

**FCCMTL 10**

**Effective Date: December 1, 2019**

**Most Current Prior Effective Date: October 29, 2017**

- (A) "Adult" means an individual who is at least eighteen years of age.
- (B) "Advanced practice registered nurse (APRN)" means a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife or certified nurse practitioner under Chapter 4723. of the Revised Code. This was previously called advanced practice nurse (APN).
- (C) "Authorized representative" means an individual employed by a type A home, that is owned by a person other than an individual and who is authorized by the owner to do all of the following:
- (1) Communicate on the owner's behalf.
  - (2) Submit on the owner's behalf applications for licensure or approval.
  - (3) Enter into on the owner's behalf provider agreements for publicly funded child care.
- ~~(C)~~(D) "Career pathways model" means an alternative pathway to meeting the requirements for a child care staff member or administrator that uses an approved framework to document formal education, training, experience, specialized credentials and certifications. This allows the child care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.
- ~~(D)~~(E) "Certified nurse practitioner (CNP)" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a CNP in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing.
- ~~(E)~~(F) "Child" means an infant, toddler, preschool child or school-age child.
- ~~(F)~~(G) "Child care" per section 5104.01 of the Revised Code means all of the following:
- (1) Administering to the needs of infants, toddlers, preschool-age children and school-age children outside of school hours.
  - (2) By persons other than their parents, guardians, or custodians.
  - (3) For ~~a~~ part of the twenty-four-hour day.
  - (4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home.
  - (5) By a provider required by Chapter 5104. of the Revised Code to be licensed or approved by the department of job and family services, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.
  - ~~(5) For the purposes and requirements of this chapter, "child care" is limited to a program licensed or required to be licensed by the department pursuant to this chapter or a program with a contract to provide publicly funded child care pursuant to section 5104.32 of the Revised Code.~~
- ~~(G)~~(H) "Child care staff member" means an employee of ~~any adult employed by~~ the family child care provider who is responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child care staff member when not involved in other duties.
- ~~(H)~~(I) "Employee" means a person who either ~~is at least fifteen years old,~~ receives compensation for duties performed in a licensed family child care home or has assigned work hours or duties in a licensed family child care home.
- ~~(I)~~(J) "Family child care provider" is an Ohio department of job and family services (ODJFS) licensed type A home provider or an ODJFS licensed type B home provider.

- ~~(J)~~(K) "Field trips" means infrequent or irregularly scheduled excursions from the licensed family child care home.
- ~~(K)~~(L) "Food supplement" means a vitamin, mineral, or combination of one or more vitamins, minerals and/or energy-producing nutrients (carbohydrate, protein or fat) used in addition to meals or snacks.
- ~~(L)~~(M) "Infant" means a child who is under eighteen months of age.
- ~~(M)~~(N) "License capacity" is the maximum number of children who may be cared for in a family child care home at any one time. License capacity is indicated on the license. License capacity is not the same as the total number of children enrolled in the home or attending the home on any given day. Children away from the home on a field trip or a special outing, and under the supervision of a child care staff member, shall be included in the count for license capacity.
- ~~(N)~~(O) "Medication" means any substance or preparation of a substance which is used to prevent or treat a wound, injury, infection, infirmity, or disease. This includes medication that is over the counter, or prescribed or recommended by a physician or advance practice nurse certified to prescribe medication, and permitted by the parent for administration or application.
- ~~(O)~~(P) "Modified diet" means any diet eliminating the use of any one or more of the four food groups or altering the amount of food required to be served to meet one-third of the recommended dietary allowance as required by rule 5101:2-13-22 of the Administrative Code.
- ~~(P)~~(Q) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.
- ~~(Q)~~(R) "Parent" means the father or mother of a child, an adult who has legal custody of a child, an adult who is the guardian of a child, or an adult who stands in loco parentis with respect to a child, and whose presence in the home is needed as the caretaker of the child. Parent has the same meaning as "caretaker parent" as defined in section 5104.01 of the Revised Code.
- ~~(R)~~(S) "Physician" means a person issued a certificate to practice in accordance with Chapter 4731. of the Revised Code and rules adopted by the state medical board or a comparable body in another state.
- ~~(S)~~(T) "Physician assistant (PA)" means a person who has obtained a valid certificate to practice in accordance with Chapter 4730. of the Revised Code and rules adopted by the state medical board or a comparable body in another state.
- ~~(T)~~(U) "Preschool child" means a child who is three years old or older but is not a school-age child.
- ~~(U)~~(V) "Provider" means the person responsible for the daily operation of the family child care home. The provider and the owner of the family child care home shall be the same person and the family child care home shall be the permanent residence. If the owner of the home is a corporation, the agent(s) of the corporation shall include the provider. For a type A home, the provider is also the named administrator.
- ~~(V)~~(W) "Public children services agency (PCSA)" means an entity specified in section 5153.02 of the Revised Code that has assumed the powers and duties of the children services function prescribed by Chapter 5153. of the Revised Code for a county.
- ~~(W)~~(X) "Related to the provider" means any of the following persons when determining group size in a family child care home: grandchildren, daughters, sons, step daughters, step sons, sisters, brothers, step sisters, step brothers, nieces, nephews, half brothers, half sisters, or first cousins who are related to the provider by blood, marriage or adoption. Children receiving foster care from the provider are not considered to be related to the provider.
- ~~(X)~~(Y) "Routine trips" means repeated excursions off the premises of the home which regularly occur on a previously scheduled basis and that parents have been made aware of the destinations of the trip.
- ~~(Y)~~(Z) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above, but who is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old, ~~unless the child meets the definition of "special needs" as defined in this rule.~~

- ~~(Z)~~(AA) "Serious risk non-compliance" means a licensure rule violation that has the potential to lead to a great risk of harm to, or death of, a child.
- ~~(AA)~~ ~~"Special needs" means providing child care services to a child who is under eighteen years old who does not function according to age appropriate expectations in one or more of the following areas of development: social/emotional, cognitive, communication, perceptual-motor, physical, or behavioral development, or the child has chronic health issues. The child's delays/condition(s) affect development to the extent that the child requires special adaptations, modified facilities, program adjustments or related services on a regular basis in order to function in an adaptive manner.~~
- ~~(BB)~~ (BB) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.
- ~~(BB)~~(CC) "Specialized foster home" means a medically fragile foster home or a treatment foster home.
- ~~(CC)~~(DD) "Substitute" means a child care staff member who replaces a provider or assigned staff member on a temporary basis.
- ~~(DD)~~(EE) "Toddler" means a child who is at least eighteen months of age but less than three years of age.
- ~~(EE)~~(FF) "Treatment foster care" means foster caregiver-based treatment services for children whose special or exceptional needs cannot be met in their own homes. Treatment foster care focuses on providing rehabilitative services to children with special or exceptional needs and their families with the primary location of treatment being in the treatment foster home.
- ~~(FF)~~(GG) "Type A home" means the permanent residence of the provider in which child care is provided for seven to twelve children at one time.
- ~~(GG)~~(HH) "Type B home" means the permanent residence of the provider in which child care is provided for one to six children at one time and no more than three children are under two years of age.
- ~~(HH)~~(II) "Voluntary temporary closure" means the program requests to stop serving children, but not close the license. A voluntary temporary closure shall not exceed twelve months.

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**FCCMTL 7**

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**Appendix A - Required Documents During the Application Process**

**Appendix B - Medical Statement Requirements for Family Child Care Providers, Employees, Child Care Staff Members and Substitutes in a Licensed Family Child Care Home**

- (A) What is the application process to establish or operate a licensed family child care home?
- A resident of Ohio who wishes to become a licensed family child care provider shall:
- (1) Complete a professional registry profile for the family child care applicant through the Ohio professional registry (OPR) at <https://occrpa.org/opr>.
  - (2) Register online through the OPR and complete the required orientation training. The orientation training shall have been taken within the two years prior to application for a license.
  - (3) Complete an application online in the Ohio child licensing and quality system (OCLQS) at <https://oclqs.force.com> and submit the fee of two hundred fifty dollars to the Ohio department of job and family services (ODJFS).
    - (a) The application fee submitted with an application is nonrefundable and shall not be credited or transferred to any other application.
    - (b) The application is considered filed with the ODJFS as of the date it is received electronically and the payment has cleared.
    - (c) The application will be deleted from the system after one hundred twenty days if the fee payment is not received.
    - (d) Any application submitted without complete and accurate information will need to be amended with complete and accurate information before being licensed.
    - (e) The application will be deleted and the fee forfeited if the home is not ready to be licensed after twelve months.
- (B) What additional items shall be submitted during the application process?
- The items listed in appendix A and appendix B to this rule are required and shall be completed and submitted for licensure.
- (C) Does the family child care provider license need to be posted and where should it be posted?
- (1) The family child care license shall be posted.
  - (2) The license shall be visible to parents at all times.
- (D) Can more than one child care provider license be issued for an address?
- (1) Only one family child care provider license shall be issued for each address.
  - (2) A family child care provider license shall not be issued to any address that is currently licensed as a child care center.
- (E) Can someone be both a licensed family child care provider and be certified to provide foster care pursuant to Chapter 5103. of the Revised Code?
- (1) A licensed type A provider shall not be certified to provide foster care.
  - (2) A licensed type B provider may be certified for foster care but shall be not certified as a specialized or treatment foster care home pursuant to Chapter 5103. of the Revised Code. A licensed type B provider who was initially certified as a type B provider prior to August 14, 2008 with no break in certification or licensure is exempt from this requirement.

(F) Will the license be a continuous license?

The license shall be a continuous license unless:

- (1) The family child care provider is in the provisional period pursuant to rule 5101:2-13-06 of the Administrative Code.
- (2) The family child care provider moves to a new address and does not propose a change of location amendment pursuant to paragraph (G) of this rule.
- (3) The owner of the type A home provider changes and a new application for licensure is not submitted pursuant to paragraph (A) of this rule.
- (4) The family child care provider voluntarily surrenders the license by notifying the county agency in writing.
- (5) It is revoked pursuant to rule 5101:2-13-05 of the Administrative Code.

(G) What is the process to change or amend a license?

- (1) The provider shall log on to <https://oclqs.force.com> and submit a request and all applicable documents.
- (2) What information can be amended on an existing license?
  - (a) License capacity.
  - (b) Change of location of the program.
- (3) What is the timeline for requesting an amendment?
  - (a) For a change in capacity, the provider shall request and be approved for the amendment prior to serving additional children.
  - (b) For a change in location, the provider shall request the amendment at least thirty days prior to the last day at the current location. Failure to request within thirty days may result in a gap of care. Care shall not begin until the license has been transferred to the new location.
- (4) Can a family child care home request a change in administrator?

Only a type A home provider may change an administrator if all of the following are met:

- (a) The home is owned by a corporation.
  - (b) The proposed administrator is a resident of the home and agent of the corporation and meets the requirements of a provider pursuant to rule 5101:2-13-07 of the Administrative Code.
  - (c) The provider logs onto <https://oclqs.force.com> and submits a request and all applicable documents to the county agency.
- (5) What are the requirements if a family child care provider wants to permanently move to a different location?

The provider shall:

- (a) Comply with paragraph (G)(3)(b) of this rule.
- (b) Submit a fee of one hundred twenty-five dollars in OCLQS thirty days prior to the proposed move.
- (c) Comply with an inspection at the new location and any applicable determinations of license capacity for the new location.
- (d) Submit all required compliance materials prior to licensure at the new location.
- (e) Cease child care operation at the original location at the time the license is issued for the new address.

- (6) What are the requirements if a family child care provider needs to temporarily provide care in a different location?
- (a) If the family child care provider is temporarily unable to provide care in the licensed location because the physical location has been deemed unsafe for care of children by the building department, fire department, local health department or local law enforcement, the provider may request to temporarily provide care in a new location.
    - (i) The family child care provider shall send a written request to the county agency and comply with an inspection of the temporary location prior to providing care at the temporary location.
    - (ii) The written request shall include written documentation from the government agency that deemed the location to be unsafe for care of children and shall include the plan and timeline for addressing the needs of the licensed location.
    - (iii) Prior to resuming care at the licensed location, the family child care provider shall provide written approval to the county agency from the government agency that has deemed the location safe to resume care of children.
  - (b) If the family child care provider is unable to return to the licensed location within ninety days, the provider shall follow the process for a permanent change of location pursuant to paragraph (G)(4) of this rule.

- (H) When shall an initial application and fee be required from a type A home provider?

An initial application and fee are required for any change in ownership which is defined as a sale of a child care program in its entirety or a transfer of control and administration by the owner(s) of a child care program to a new controlling entity.

- (I) How shall a family child care provider request a voluntary temporary closure status for a licensed family child care home?

- (1) The provider shall request in writing to ODJFS the temporary closure status.
- (2) The temporary closure status shall not exceed twelve months.
- (3) The provider shall not serve any children during the temporary closure status.
- (4) The provider shall comply with an inspection prior to the end of the temporary closure status and serving children again.
- (5) If at the end of the twelve months, the family child care provider has not requested in writing to reinstate the license or is not able to be re-opened, the ODJFS may close the license without hearing rights in accordance with the requirements of Chapter 119. of the Revised Code.

- (J) What information shall the provider keep current in OCLQS?

- (1) Mailing address.
- (2) Telephone number.
- (3) Email address.
- (4) Days and hours of operation.
- (5) Services offered.
- (6) Name of program (if applicable) for type A homes only.

- (K) What information shall the provider keep current in the provider portal?

Private pay rates shall be kept current in the provider portal.

- (L) What if an individual listed as an owner on the JFS 00598 "Owner's Authorized Representative/Partnership Form for Child Care" (rev. 10/2015) changes?

The provider shall complete an updated JFS 00598 and submit to ~~the~~ ODJFS within thirty days of the change, for type A homes only.

- (M) What is the county agency's responsibility for the application and issuance of a license for a family child care provider?

The county agency shall:

- (1) Recommend the application for approval or denial to the ODJFS within ninety days of receiving a completed application. The completed application includes all of the requirements in appendix A to this rule with the exception of the completed background check pursuant to rule 5101:2-13-09 of the Administrative Code.
- (2) Recommend the request for change of location, move to a temporary location or a voluntary temporary closure status to ODJFS within five business days of receiving the request and all required written documentation.
- (3) Provide the applicant with the JFS 08087 "Ohio Communicable Disease Chart" ~~(rev. 10/2016)~~ (rev. 12/2016) when a recommendation is made to ODJFS to license the applicant.
- ~~(4) Review the bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) records checks as well as child abuse registry checks for the provider, provider's employees, substitutes and all adult residents to ensure compliance with rules 5101:2-13-07, 5101:2-13-08 and 5101:2-13-09 of the Administrative Code.~~
- ~~(5)~~(4) Request from the current county agency any documentation not captured in OCLQS within ten business days if a provider proposes a change of location into the county.
- ~~(6)~~(5) Provide the new county agency with any documentation not captured in OCLQS within ten business days if a provider proposes a change of location to another county.

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FCCMTL 13

CCCMTL 24

CCIMTL 6

**Effective Date: March 24, 2020**

(A) What is a temporary license for pandemic child care?

A temporary license for pandemic child care is a license/certification issued to a certified in-home aide, licensed type a family day-care home, license type b family day-care home or new temporary child care pandemic center on a short-term basis to provide child care as defined in section 5104.01 of the Revised Code as issued by the Ohio department of job and family services.

(B) What is a temporary pandemic family child care license?

A temporary pandemic family child care license is a short-term license to provide child care services to children whose parents are employed providing health, safety and other essential services as defined by the director of the Ohio department of job and family services in consultation with the director of the Ohio emergency management agency

(C) When may ODJFS issue a temporary pandemic child care license?

ODJFS may issue a temporary pandemic child care license if the governor of Ohio declares a state of emergency and directs ODJFS to issue this license type.

(D) How do programs apply for a temporary pandemic child care license?

A licensed family child care provider shall apply to become a pandemic family child care by submitting the JFS 01258 "Application for Temporary Pandemic Program" to ODJFS.

(E) What are the licensing requirements for a pandemic family child care provider?

The pandemic family child care provider shall meet the following requirements. The other requirements in this chapter shall not apply during the temporary license period.

- (1) All employees and child care staff members (including the provider) shall submit a request for background checks and fingerprints pursuant to rule 5101:2-13-09 of the Administrative Code within seven calendar days of the individual's date of hire or assignment. Child care staff may be used in ratio but shall not be left alone with children until the JFS 01176 "Program Notification of Background Check Review for Child Care" is received by the pandemic family provider.
- (2) There shall be at least one child care staff member on-site during all hours of operation who is currently trained in cardiopulmonary resuscitation (CPR) appropriate for all age groups that the provider is licensed to serve. The training shall meet the requirements in appendix A to rule 5101:2-13-10 of the Administrative Code.
- (3) The pandemic family child care provider shall ensure that the following staff child ratios and maximum group size limitations are maintained at all times:
  - (a) Each pandemic family child care provider shall care for no more than six children at any one time. No more than three of those children may be under two years of age.
  - (b) The family child care provider shall follow the requirements set forth in rule 5101:2-13-18 of the Administrative Code to determine which children count in ratio and group size.
- (4) Child care staff members shall not leave a child unsupervised. Supervision means the child care staff members have knowledge of a child's needs and accountability for his or her care at all times. Supervision includes awareness of and responsibility for the activity of each child and being near enough to respond and reach children immediately including responding to the child's basic needs and protecting them from harm.



- (5) The child care staff members shall ensure all children in care are within sight or hearing of child care staff members at all times. Within sight and hearing means without the use of mechanical devices such as baby monitors, video cameras or walkie talkies. The use of mirrors to view children in another room does not meet the supervision requirements of this rule.
- (6) Each child care staff member shall use only the allowable discipline techniques in appendix A to rule 5101:2-13-19 of the Administrative Code.
- (7) If the provider, employee or child care staff member suspects that a child has been abused or neglected, he or she shall immediately notify the public children services agency (PCSA).
- (8) Each child enrolled for care shall have a completed JFS 01234 "Child Enrollment and Health Information for Child Care" and a completed JFS 01259 "Pandemic Child Care Program Child Enrollment Addendum" on file by the child's first day of attendance at the provider.
- (9) The pandemic family child care provider shall have a written attendance record that tracks in and out times for each child each day. The record shall include the child's name and date of birth.
- (10) The pandemic family child care provider shall provide opportunities for both quiet and active play suitable to the developmental levels and abilities of each child in care.
- (11) Children in care shall be protected from any items and conditions which threaten their health, safety, and well being, including but not limited to: stoves, bodies of water, window covering pull cords, telephone cords, electrical cords, extension cords, lead hazards, asbestos, wells, traffic, employee's personal belongings and other environmental hazards and dangerous situations.
- (12) The pandemic family child care provider shall follow the cleaning and sanitizing chart in appendix A to rule 5101:2-13-13 of the Administrative Code and the handwashing requirements in appendix B to rule 5101:2-13-13 of the Administrative Code.
- (13) Children are not permitted to rest, nap, or sleep on the floor. Children shall sleep on cribs, playpens, couches, cots or mats that meet the requirements described in rule 5101:2-13-20 of the Administrative Code.
- (14) Parents/caregivers shall provide written permission and instructions (if different than the label) when the center shall administer prescription medications, nonprescription medicines containing codeine or aspirin, or nonprescription medication.
- (15) The pandemic family child care provider shall not provide transportation nor swimming activities in water deeper than eighteen inches to any child without prior approval from ODJFS.
- (16) The pandemic family child care provider shall immediately notify ODJFS in writing if any of the following occur to a child while in the care for the pandemic family child care provider:

  - (a) A child dies.
  - (b) A child receives a bump or blow to the head that requires first aid or medical attention.
  - (c) An incident, injury, or illness requires a child to be removed by the parent or emergency services from the home for medical treatment, professional consultation or transportation for emergency treatment.
  - (d) Abuse of a child is substantiated by a public children services agency.

(F) How long is a temporary pandemic child care license valid?

The temporary pandemic child care license is valid until the governor of Ohio rescinds the executive order.

(G) What happens when the executive order is rescinded by the governor of Ohio?

The provider shall resume following all of the family child care provider licensing requirements of this chapter.

(H) A denial of an application for a license for a pandemic family child care provider and the revocation of a temporary license for a pandemic family child care provider are not subject to appeal rights pursuant to Chapter 119. of the Revised Code.

(I) How will the pandemic family child care provider be paid?

The pandemic family child care provider will be paid through an agreement with ODJFS for care provided to children determined eligible for publicly funded child care pursuant to Chapter 5101:2-16 of the Administrative Code.

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**FCCMTL 14**

***Effective Date: May 29, 2020***

(A) What are transitional pandemic requirements for a licensed family child care provider?

Transitional pandemic requirements are licensing requirements that are followed as Ohio transitions out of pandemic child care for the COVID-19 pandemic and back to family child care licensing requirements.

(B) When does a licensed family child care provider follow these requirements?

Licensed family child care providers shall follow these requirements when the governor of Ohio declares a state of emergency for the COVID-19 pandemic and or directs ODJFS to issue transition requirements.

(C) What are the licensing requirements for a transitional family child care provider?

The family child care provider shall follow all of the licensing requirements of this chapter, with the following exceptions and additions:

(1) The family child care provider shall follow all guidelines set by the governor of Ohio or the director of the Ohio department of health.

(2) The family child care provider shall ensure that the following group size limitations are maintained at all times:

(a) Each child care staff member shall care for no more than six children at any one time. No more than three of those children may be under two years of age.

(b) The family child care provider shall not exceed the license capacity at any time when caring for children during the provider's hours of operation.

(c) The family child care provider shall ensure that the required staff/child ratios are maintained at all times including during routine trips and field trips.

(d) Type A family child care providers may only serve more than one group of children if the groups of children and the assigned child care staff members are in separate rooms at all times, including meals and naps.

(3) The family child care provider shall follow all handwashing procedures pursuant to rule 5101:2-13-13 of the Administrative Code with the following additions:

(a) The provider and all family child care staff members and employees shall wash their hands upon entering the family child care home and prior to leaving for the day.

(b) All children shall wash their hands prior to leaving for the day.

(4) The family child care provider may use non-permanent sinks to meet the handwashing requirements of this chapter.

(5) The family child care provider shall ensure that all employees, child care staff members and children take their temperature prior to or as soon as they arrive each day. The family child care provider and all residents shall take their temperatures prior to the start of the day.

(a) The family child care provider shall immediately send home any child, child care staff member or employee who has a temperature of one hundred degrees or higher. The individual shall not return to the program until he or she has been fever-free without the use of fever-reducing medication for at least twenty-four hours.

(b) If the provider or a resident of the home has a temperature of one hundred degrees or higher, the provider shall stop providing care until the individual has been fever-free without the use of fever-reduction medication for at least twenty-four hours.

- (c) If the child, employee or child care staff member has had known contact with someone confirmed or probable to have COVID-19, prior to returning to the program he or she must complete isolation or quarantine procedures for COVID-19 in coordination with the local health department.
- (d) If the provider or a resident has had known contact with someone confirmed or probable to have COVID-19, he or she must complete isolation or quarantine procedures for COVID-19 in coordination with the local health department. Care may not resume until the isolation or quarantine is complete.
- (e) The requirements of this paragraph also apply to anyone whose temperature is taken after arrival or the start of the day.

(6) The family child care provider shall not provide care to sick children pursuant to appendix B to rule 5101:2-13-16 of the Administrative Code.

(7) If the provider, a resident of the home, child care staff member or employee of the family child care provider or a child enrolled in the care of the family child care provider tests positive for COVID-19, the program shall:

- (a) Notify ODJFS by the next business day in the Ohio child licensing and quality system as a serious incident pursuant to rule 5101:2-13-16 of the Administrative Code.
- (b) Notify the local health department by the next business day.
- (c) Ensure that the person completes isolation or quarantine procedures for COVID-19 in coordination with the local health department prior to being permitted to return to the program. If the provider or a resident of the home tests positive for COVID-19, care may not resume until the isolation or quarantine is complete.

(D) How long is the transitional pandemic rule effective?

The transitional pandemic rule is valid until the governor of Ohio rescinds the state of emergency and or directs ODJFS to return to full family child care licensing requirements.

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**FCCMTL 7**

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**Most Current Prior Effective Date: December 31, 2016**

**Appendix A - Serious Risk Non-compliances and Point Values for Family Child Care**

- (A) ~~How many~~What inspections are required for family child care providers?
- (1) At least one inspection prior to the initial issuance of a provisional license.
  - (2) At least two inspections during the provisional period.
  - (3) At least one inspection each state fiscal year after the issuance of the continuous license.
  - (4) Any complaint investigations regarding the licensed family child care provider.

- (B) Will inspections be announced or unannounced?

At least one inspection shall be unannounced and all inspections may be unannounced.

- (C) What is required of a licensed family child care provider for an inspection and/or complaint investigation?

The family child care provider shall allow the county agency and the Ohio department of job and family services (ODJFS) to:

- (1) Complete an inspection of all areas of the family child care home where child care is provided, children have access to, and all areas used to verify compliance with Chapter 5101:2-13 of the Administrative Code and Chapter 5104. of the Revised Code.
- (2) Review required records and documentation.
- (3) Interview or take statements from any of the following ~~as part of any inspection or complaint investigation~~:
  - (a) Building inspectors, fire department inspectors, sanitarians, public health or other state or local officials.
  - (b) Neighbors.
  - (c) Parents and relatives of children in care.
  - (d) Residents of the home.
  - (e) Staff of the public children services agency (PCSA).
  - (f) Staff of the county agency and the ODJFS.
  - (g) Anyone mentioned by the complainant.
  - (h) Law enforcement personnel.
  - (i) Current and past family child care staff employees.
  - (j) Other witnesses.

- (4) Document findings in writing or in photographs or by any other means.

- (D) What are additional requirements for a licensed family child care provider as a result of an inspection and/or complaint investigation?

The family child care provider shall:

- (1) Provide written materials to the county agency addressing non-compliances detailed in the inspection report within the time frame requested in the inspection report.

~~(2) Permit the county agency and ODJFS to investigate all complaints.~~

~~(3)~~(2) Not misrepresent, falsify or withhold information from the county agency or ODJFS.

(E) Will a licensed family child care provider have additional inspections based on non-compliances found?

Non-compliances, as detailed in appendix A to this rule, may lead to additional inspections or compliance materials required by the county agency or ODJFS.

(F) What if a licensed family child care provider does not agree with the licensing findings?

The family child care provider shall:

- (1) Complete and submit a JFS 01155 "Request for Review for Licensing and Step Up To Quality" (12/2016) with any applicable documentation.
- (2) Submit the request and documentation within seven business days from the receipt of the inspection report.

(G) What are the county agency requirements for compliance inspection and complaint investigation of a family child care provider?

- (1) The county agency shall inspect each family child care home according to the schedule as determined by ODJFS and released via a procedure letter.
- (2) All inspections shall be completed during the operating hours of the family child care home even if children are not currently enrolled.
- (3) For each inspection, the county agency shall:
  - (a) Complete the JFS 01926 "Inspection Report for Family Child Care" (~~rev. 12/2016~~)(rev. 10/2017), the JFS 01306 "Employee Record Chart for Child Care" (rev. 10/2017) and the JFS 01215 "Children's Record Review for Child Care" (rev. 12/2016) or system-generated equivalents in the Ohio child licensing and quality system (OCLQS).
    - (i) If OCLQS is not utilized on-site, the county agency shall enter the data from the JFS 01926, JFS 01306 and JFS 01215 into the system within the timeline specified in rule 5101:2-13-26 of the Administrative Code.
    - (ii) If additional information is added to the report or it is revised in any way, the county agency shall send a copy of the report to the provider within five business days of the date of the addition or revision.
  - (b) Provide a hard copy or electronic copy of the inspection report and supporting documents to the provider by close of business the next business day.
- (4) The county agency shall investigate any complaints alleging rule noncompliance against a provider. The county agency may inspect the family child care home as part of the complaint investigation.
  - (a) Investigations of all complaints shall begin within five business days of the receipt of a complaint by the county agency.
  - (b) If the complaint alleges an immediate risk to children, the county agency shall begin the investigation by the next business day of receipt of the complaint.
  - (c) For each investigation, the county agency shall:
    - (i) Document the complaint in OCLQS.
    - (ii) Complete the JFS 01526 "Complaint Investigation Receipt for Child Care" (rev. 12/2016) and furnish one copy to the family child care provider before the county agency staff leaves the provider's home. This form is not required for any portion of the investigation completed by telephone pursuant to paragraph (G)(4)(d) of this rule.
  - (d) If a JFS 01926 is completed as part of an investigation conducted by telephone, the county agency shall send a copy of the report to the provider within five business days of the initial telephone contact. If additional information is added to the report or it is revised

in any way, the county agency shall send a copy of the report to the provider within five business days of the date of the addition or revision.

- (5) Each JFS 01926 shall include:
  - (a) A statement of the specific non-compliance findings.
  - (b) A statement of what must be done to correct the noncompliance.
  - (c) The date, not to exceed thirty business days, by which the correction must be completed.
- (6) The county agency shall provide a copy of the JFS 01926 or its system generated equivalent to anyone who submits a request to the county agency. The county agency shall remove all confidential information prior to providing a copy of the JFS 01926.
- (7) The county agency shall provide technical assistance for complying with the requirements of Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.
- (H) What other requirements shall the county agency follow for complaints?
  - (1) If the complaint alleges child abuse or neglect, the county agency shall report the complaint within the same business day to the public children services agency (PCSA). The oral report shall be followed with a written report to the PCSA, if requested by the PCSA. The written report shall contain the following:
    - (a) A summary of allegations.
    - (b) The name of the reporter, unless anonymity is requested.
    - (c) A summary of actions taken by the county agency or plans to initiate an investigation of non-compliance with the regulations contained in Chapter 5101:2-13 of the Administrative Code.
    - (d) A request for clarification of joint or parallel investigatory roles.
  - (2) A PCSA investigation does not relieve the county agency of its responsibility to investigate provider non-compliance with regulations contained in Chapter 5101:2-13 of the Administrative Code unless the PCSA indicates that the county agency complaint investigation would interfere with the PCSA's investigation of the case.
  - (3) If the county agency receives a report that an unlicensed home may be caring for too many children in violation of section 5104.02 of the Revised Code, the county agency shall refer the report to the appropriate ODJFS child care licensing office for investigation. If the home is licensed, the county agency shall conduct an investigation according to procedures contained in this rule.
- (I) Are licensing inspection records available to the public?
  - (1) Inspections may be viewed at <http://childcaresearch.ohio.gov/>.
  - (2) An individual may submit a written request to ODJFS for a copy of the family child care home licensing record.

~~A copy of the family child care provider's licensing record shall be provided to any person who submits a written records request to the ODJFS in accordance with applicable state and federal laws.~~

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**FCCMTL 6**

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***Most Current Prior Effective Date: September 29, 2011***

**Appendix A - Fire Safety Requirements for a Licensed Type B Home Provider**

**Appendix B - Flammable and Combustible Material Storage for a Type B Home Provider**

**(A) What are the type A home requirements for building inspections and approval?**

- (1) Licensed type A homes shall be inspected by the local building department having jurisdiction. Building inspections shall be obtained:
  - (a) At the time of application for a child care license.
  - (b) At the time of a type A home requests a license amendment for a change of location.
  - (c) Prior to the use of any areas of the structure not previously inspected and approved for child care use.
  - (d) At the time of any major repair, modification, or alteration of any existing structure presently being used for a type A home but prior to the continued use of modified or altered parts of the structure. A major repair, modification or alteration includes:
    - (i) Cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of escape, or rearrangement of parts of the structure affecting the exit requirements.
    - (ii) Addition to, alteration of, replacement or relocation of any gas, oil, water, soil, waste or vent piping, electrical wiring or heating, ventilating or air-conditioning equipment.
    - (iii) Any modification requiring a new certificate of occupancy as required by the Ohio department of commerce or local certified building authority.
- (2) The licensed type A home provider shall abide by any stipulations or limitations that are noted on the building inspection report.
- (3) The building department inspection shall be documented on a form set forth by the bureau of building standards.
- (4) The licensed type A home provider shall provide documentation that the type A home license is not prohibited by the local zoning board.

**(B) What are the type A home requirements for a fire inspection and approval?**

- (1) Licensed type A homes shall secure a fire inspection and written approval from the state fire marshal or the local fire safety inspector for the municipality or township having jurisdiction. The type A home shall abide by any stipulations or limitations set forth in the written documentation by the state fire marshal or the local fire safety inspector.
- (2) The fire inspection and approval needs to be obtained for a licensed type A home:
  - (a) At the time of initial application for a family child care license.
  - (b) At the time of a family child care license amendment when requesting a change of location.
  - (c) At least once annually within each twelve months from the date of the last fire approval report .
  - (d) Prior to the use of any areas of the structure not previously inspected and approved for use for type A home care.

- (e) Prior to caring for infants and non-ambulatory children of any age other than on the first floor of the type A home.

(C) What requirements does a licensed type B home provider need to ensure fire safety?

A licensed type B home shall have:

- (1) The emergency exit features and operational conditions listed in appendix A to this rule.
- (2) At least one underwriters laboratories (UL) or factory mutual laboratories (FM) smoke detector located in the basement and on each level of the licensed type B home. The licensed type B home provider shall place, install, test and maintain smoke detectors in accordance with manufacturer's recommendations.
- (3) At least one working UL or FM portable fire extinguisher, not expired, in the licensed type B home which shall have a minimum rating of 1A:10BC. At least one fire extinguisher shall be located in the kitchen where food is provided for child care or cooking area.
- (4) All electrical connections made in junction boxes properly covered. Electrical extension cords shall not be used as permanent wiring.
- (5) A written evacuation plan that identifies the primary escape route and alternate escape route to a designated meeting place outside of the home. A copy of the plan shall be posted on each level of the home on which care is provided.

(D) What are the requirements for flammable and combustible materials and substances on-site at the licensed type B home?

If a licensed type B home provider has items such as, but not limited to, gasoline, kerosene, propane and other fuels, the materials shall be stored in accordance with the storage requirements listed in appendix B to this rule.

(E) Can a licensed type B home provider use heaters?

If vented gas, oil, or wood-fired heaters are used, a nonflammable guard shall be provided for each heater, stove or fireplace to protect the children from hot surfaces and open flames.

- (1) No unprotected open flame, such as fireplaces, oil lamps or candles, shall be allowed to burn in the home while care is being provided.
- (2) Unvented fuel-fired heaters shall not be used while child care is being provided.

Replaces: 5101:2-13-10, 5101:2-13-11, 5101:2-14-10

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**FCCMTL 10**

***Effective Date: December 1, 2019***

***Most Current Prior Effective Date: October 29, 2017***

- (A) What are the reasons an applicant may have an application denied or a licensed family child care provider may have a provisional or continuous license revoked?
- (1) The family child care provider is not in compliance with Chapter 5101:2-13 of the Administrative Code or Chapter 5104. of the Revised Code.
  - (2) The family child care provider or a household member has been determined not eligible for employment or residence in a licensed family child care home as a result of the background check requirements pursuant to rule 5101:2-13-09 of the Administrative Code.
  - (3) The family child care provider fails to submit documentation or information requested by the county agency or the Ohio department of job and family services (ODJFS) within required time frames.
  - (4) The family child care provider has refused to allow ODJFS or the county agency staff access onto its premises or to any area used for child care.
  - (5) The family child care provider has furnished or made misleading or false statements or reports to ODJFS or the county agency.
  - (6) The family child care provider has accumulated eighteen or more points from moderate or serious risk non-compliances in accordance with appendix A to rule 5101:2-13-03 of the Administrative Code, during the provisional license period.
  - (7) Failure of any person, firm, partnership, organization, institution, or agency to cooperate with ODJFS or any state or local official when performing duties required by Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.
  - (8) Someone under the age of eighteen who resides in the home has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code or an offense of any other state or the United States that is substantially equivalent and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.38 or sections 2953.31 to 2953.38 of the Revised Code.
  - (9) It has been determined through the results of the child abuse and neglect report or any other means pursuant to rule 5101:2-13-09 of the Administrative Code that there is an individual, of any age, who resides in the home and whose behavior or health may endanger the health, safety, or well-being of children.
  - (10) The family child care provider fails to cooperate with the county agency or ODJFS in the licensing process or complaint investigation including, but not limited to, consistently being unavailable for unannounced inspections conducted by the county agency or the ODJFS.
- (B) What happens if an application is in the process of being denied or a provisional or continuous license is in the process of being revoked?
- (1) If an application for a child care center, type A home or type B home has been issued a notice of intent to deny, no new application for a type A home license or type B home license shall be processed for the owner until after the completion of the denial process.
  - (2) If a provisional or continuous license for a child care center, type A home or type B home has been issued a notice of intent to revoke, no new application for a type A home license or type B home license shall be processed for the same owner until after the completion of the revocation process.
- (C) What if a provider voluntarily surrenders the license or voluntarily withdraws the application during the revocation or denial process?

The voluntary surrender of a license or the withdrawal of an application for licensure shall not prohibit ODJFS from revoking a license or denying an application.

- (D) What happens if an application has previously been denied, or a provisional or continuous license, or an in-home aide certification has been revoked?
- (1) If a license of a child care center, type A home or type B home is revoked, another license shall not be issued to the owner of the center, type A home or type B home until five years have elapsed from the date the license was revoked.
  - (2) If an application for a child care center, type A home or type B home license is denied, the applicant shall not be licensed until five years have elapsed from the date the application was denied.
  - (3) If a family child care provider was previously certified by the county agency and that certification was revoked for a health and safety reason, he or she shall not be licensed until five years have elapsed from the date the certification was revoked.
  - (4) If the certification of an in-home aide is revoked, the applicant shall not be issued a type A or type B family child care license until five years have elapsed from the date the certification was revoked.
- (E) Which licensing actions by ODJFS gives the family child care provider rights to a prior adjudicatory hearing in accordance with the requirements of Chapter 119. of the Revised Code?
- (1) Denial of an application.
  - (2) Revocation of an existing license, either provisional or continuous.
  - (3) The finding of jurisdiction in accordance with rule 5101:2-13-01 of the Administrative Code.
  - (4) Issuance of a license with authorization for license capacity which does not agree with the authorization sought by the provider.
  - (5) Denial of a continuous license at the expiration of the family child care provider's provisional license.
- (F) When can ODJFS suspend a license?
- ODJFS may immediately suspend the license of a family child care provider if ODJFS determines that any of the following have occurred:
- (1) A child dies or suffers a serious injury while receiving child care by the family child care provider.
  - (2) A public children services agency (PCSA) accepts a complaint of abuse or neglect pursuant to section 2151.421 of the Revised Code on any of the following people:
    - (a) The owner or owner's representative of the family child care home.
    - (b) The administrator of the type A home, if not the owner or owner's representative and if the administrator has not been released from employment or put on administrative leave.
    - (c) An employee of the family child care home, if the employee has not been immediately released from employment or put on administrative leave.
    - (d) A resident of the family child care home.
  - (3) Any of the following people have been charged by indictment, information, or complaint with an offense relating to the abuse or neglect of a child:
    - (a) The owner or owner's representative of the family child care home.
    - (b) The administrator of the type A home, if not the owner or owner's representative and if the administrator has not been released from employment or put on administrative leave.
    - (c) An employee of the family child care home, if the employee has not been released from employment or put on administrative leave.

(d) A resident of the family child care home.

(4) ODJFS or a county agency determines that the licensed family child care provider created a serious risk to the health or safety of a child receiving child care in the family child care home that resulted in or could have resulted in a child's death or injury.

(5) ODJFS determines that the family child care provider does not meet the requirements of section 5104.013 of the Revised Code.

~~(5) Any of the following people have been charged by indictment, information or complaint with fraud:~~

~~(a) The owner or owner's representative of the family child care home.~~

~~(b) The administrator of the type A home, if not the owner or owner's representative and if the administrator has not been released from employment or put on administrative leave.~~

(G) What happens if a family child care provider's license is suspended?

(1) Upon receipt of a written suspension order from ODJFS, delivered either by certified mail or in person, the family child care provider shall:

(a) Immediately stop providing care to all children.

(b) Provide written notification of the suspension to the parents of all children enrolled in the home.

(2) Refusal of delivery by personal service or by mail is not failure of delivery and service shall be deemed to be complete.

(H) Can the family child care provider request a review of the decision to suspend the license?

The family child care provider may request an adjudicatory hearing before the department ~~a review of the decision to suspend the license~~ pursuant to ~~section~~ sections 119.06 to 119.12 of the Revised Code.

(I) How long will the license be suspended?

The suspension shall remain in effect until ~~one~~ any of the following occurs:

(1) The PCSA completes its investigation pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal, or a finding of not guilty, ~~conviction or a plea of guilty.~~

(3) Pursuant to Chapter 119. of the Revised Code, ODJFS issues a final order terminating the suspension.

~~(3) The revocation of the license is complete pursuant to this rule.~~

(J) Which ODJFS licensing actions, ministerial in nature, are not subject to an administrative hearing?

(1) Rejection by ODJFS of any application for a license for procedural reasons, such as but not limited to, improper fee payment, incomplete submission of required materials or use of invalid forms.

(2) Denial of an application pursuant to paragraph (D) of this rule.

(3) Closing a license that has been in a temporary closure for more than twelve months pursuant to rule 5101:2-13-02 of the Administrative Code.

(4) Closing a license if the family child care provider is no longer located at the address on the license and the owner has not requested a change of location or closure pursuant to rule 5101:2-13-02 of the Administrative Code.

(K) Can the county agency recommend denial of an application, suspension of a license or revocation of a license to ODJFS?

- (1) The county agency may recommend the denial of an application or revocation of a license for any of the reasons detailed in paragraph (A) of this rule.
  - (2) The county agency may recommend the suspension of a license for any of the reasons detailed in paragraph (E) of this rule.
  - (3) The county agency shall provide any requested documents to ODJFS,
  - (4) If a license is revoked, the county agency shall contact any parents who are receiving publicly funded child care services from the provider by telephone with follow up written notification to inform the parent of the following:
    - (a) The provider's license has been revoked.
    - (b) The availability of alternate child care services.
- (L) What does "owner" mean?
- (1) For the purposes of paragraphs (B) and (D) of this rule, "owner" is as defined in rule 5101:2-13-01 of the Administrative Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner.
  - (2) For all other paragraphs of this rule, "owner" is as defined in rule 5101:2-13-01 of the Administrative Code.

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**FCCMTL 6**

***Effective Date: December 31, 2016***

- (A) How long is a provisional license valid for a newly licensed family child care provider?  
A provisional license for a newly licensed family child care provider is valid for at least twelve months and until the continuous license is issued, unless revoked pursuant to rule 5101:2-13-05 of the Administrative Code.
- (B) What requirements shall the family child care provider meet for the provisional license to be amended to a continuous license at the end of the provisional period?  
By the end of the provisional period, the provider shall:
- (1) Be in compliance with Chapter 5101:2-13 of the Administrative Code.
  - (2) Have children enrolled and attending the home.
    - (a) If the provider has not served any children during the provisional period, the provisional period shall continue for up to twelve additional months or until children have been enrolled.
    - (b) The county agency shall complete an inspection with children in attendance prior to recommending a continuous license.

Replaces: 5101:2-13-4.1, 5101:2-14-05

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**FCCMTL 10**

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**Appendix A - [Verification of High School Education](#)**

**Appendix B - [Education and Training Requirements for Family Child Care Providers](#)**

**Appendix C - [Written Information for Parents and Employees](#)**

**Appendix D - [Family Child Care Parent Information](#)**

(A) What are the requirements to be a licensed family child care provider?

The family child care provider shall:

- (1) Be at least eighteen years old, and for those type B certified or licensed after April 1, 2003, have completed a high school education. Verification of high school education is detailed in appendix A to this rule.
- (2) Meet the training or education requirements detailed in appendix B to this rule.
- (3) Reside in the home where the care is being provided.
- (4) Not have had any child removed from his or her home due to abuse or neglect caused by the provider pursuant to section 2151.353 of the Revised Code.
- (5) Not have a prohibited offense as required by rule 5101:2-13-09 of the Administrative Code.
- (6) Provide a safe, healthy environment when child care services are being provided. The provider or anyone in the family child care home including any child care staff members shall not:
  - (a) Demonstrate physical or mental conditions potentially harmful to children.
  - (b) Be under the influence of alcohol or other drugs while child care is being provided.
- (7) Not be involved in any activities which interfere with the care of the children. This includes not being involved in other employment during the operating hours of the family child care home.
- (8) Complete only one of the following:
  - (a) Obtain and maintain liability insurance that insures the family child care provider against liability arising out of, or in connection with, the operation of the family child care home.
    - (i) The liability insurance shall cover any cause for which the family child care home would be liable, in the amount of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate.
    - (ii) Proof of insurance shall be maintained at the home.
    - (iii) If the family child care provider is not the owner of the home where the family child care home is located and the provider obtains liability insurance described in this rule, the provider shall name the owner of the property as an additional insured party on the liability insurance policy if all of the following apply:
      - (a) The owner requests the provider in writing to add the owner to the liability insurance policy as an additional insured party.
      - (b) The addition of the owner does not result in cancellation or nonrenewal of the insurance policy.
      - (c) The owner pays any additional premium assessed for coverage of the owner.
  - (b) Complete the JFS 01933 "Liability Insurance Statement for Family Child Care Providers" (rev. 12/2016) if the family child care provider is not obtaining liability insurance and shall

provide the JFS 01933 to the parent of each child receiving care in the home. The JFS 01933 shall be signed and dated by the parent and on file by the child's first day of attendance.

- (i) If the family child care provider is not the owner of the home where the family child care home is in operation, the statement shall also include that the owner of the home may not provide coverage of any liability arising out of, or in connection with, the operation of the family child care home.
- (ii) The JFS 01933 shall be kept on file at the home.

(B) What are the on-going requirements to be a licensed family child care provider?

The family child care provider shall:

- (1) Be onsite a minimum of seventy-five per cent of the operating hours per week. The provider may request a short-term exemption from this requirement from the county agency.
- (2) Post scheduled hours of availability in a noticeable place for parents.
- (3) Make available the current licensing rules to all staff and parents. The rules may be made available via paper copy or electronically.
- (4) Upon request, provide a parent with any information necessary for the parent to compile child care related expenses for income tax preparation, including tax identification numbers.
- (5) Be responsible for the creation, maintenance and implementation of the policies and procedures detailed in appendix C to this rule. A copy of these policies and procedures shall be available on-site at the home.
- (6) Provide the parent and all employees with the policies and practices in appendix C to this rule.
- (7) Provide a copy of appendix D to this rule to the parents of children enrolled in the home.
- (8) Notify the county agency no later than the next business day of any change in the household composition including someone joining the household or leaving the household.
- (9) Notify the county agency no later than the next business day of anyone temporarily staying in the home for more than five consecutive calendar days.
- (10) Be responsible for all information provided to the county agency or ODJFS including information provided by a substitute, child care staff member or resident of the home.
- (11) Have available on-site a written list of all employees including their dates of hire, positions and scheduled hours.
- (12) Submit to the county agency an updated JFS 01174 "Adjudicated a delinquent child statement" (rev. 10/2017) within ten business days if a child residing in the home is adjudicated a delinquent child.
- (13) Ensure that no employee, licensee or child care staff member discriminates in the enrollment of children upon the basis of race, color, religion, sex, disability, or national origin.

(C) What if the type B home provider is a foster parent?

The type B home provider shall:

- (1) Notify the county agency and all parents.
- (2) Notify the county agency of all children receiving care within one business day of when the type B home provider is to begin caring for additional foster children.
- (3) Maintain a written record documenting the date and how the county agency and parents were notified about foster children in care.

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**FCCMTL 7**

***Effective Date: October 29, 2017***

***Most Current Prior Effective Date: December 31, 2016***

**Appendix A - Family Child Care Staff Member**

**Appendix B - Substitute Requirements**

- (A) What are the requirements for an employee of a family child care provider?
- (1) An employee shall have on file a completed medical statement that meets the requirements of appendix B to rule 5101:2-13-02 of the Administrative Code.
  - (2) The completed medical statement shall be on file on or before the employee's first day of employment.
- (B) What are the requirements for a child care staff member of a family child care provider?
- A child care staff member:
- (1) Shall meet all of the requirements detailed in appendix A to this rule.
  - (2) Shall meet all training requirements prescribed in rule 5101:2-13-10 of the Administrative Code.
  - (3) Shall complete the staff orientation training as prescribed by the Ohio department of job and family services (ODJFS) within thirty days of starting employment unless the child care staff member has documentation of completion of the training after December 31, 2016.
    - (a) The online training may be used for up to six hours of professional development pursuant to rule 5101:2-13-10 of the Administrative Code.
    - (b) Completion of the training shall be documented with verification from the Ohio professional registry.
    - ~~(c) Once a child care staff member has completed this orientation training and then begins employment with another licensed family child care provider, the child care staff member shall complete the online training again if it has been more than five years since the orientation was last completed.~~
    - ~~(d) Child care staff members employed before the effective date of this rule shall have until June 30, 2017 to complete the online orientation.~~
  - (4) May be used to meet group size and supervision requirements but shall not be left alone with the children until the orientation training is completed.
  - (5) May act in the provider's place during an inspection if the provider is not present.
- (C) What documentation is required to be on file for a child care staff member?
- (1) The licensed family child care provider shall maintain documentation for each current staff member on file at the home.
  - (2) Employment records shall be made available upon request by the county agency or by the ODJFS for at least three years after each staff member's departure.
  - (3) Employment records shall include days and hours worked, duties and group assignments, if applicable.
- (D) What shall be reviewed with a child care staff member at the time of employment?
- The licensed family child care provider shall review all family child care policies, procedures and licensing rules with each child care staff member.
- (E) Do child care staff members have whistle blower protection?

No employer shall discharge, demote, suspend or threaten to discharge, demote, suspend or in any manner discriminate against any employee based solely on the employee taking any of the following actions:

- (1) Making any good faith oral or written complaint to the ODJFS or other agency responsible for enforcing Chapter 5104. of the Revised Code regarding a violation of this chapter or the rules adopted pursuant to Chapter 5104. of the Revised Code;
- (2) Instituting or causing to be instituted any proceeding against the employer under section 5104.04 of the Revised Code;
- (3) Acting as a witness in any proceeding under section 5104.04 of the Revised Code;
- (4) Refusing to perform work that constitutes a violation of Chapter 5104., or the rules adopted pursuant to Chapter 5104. of the Revised Code.

(F) What are the requirements for a ~~family child care provider~~ substitute child care staff member?

If the family child care provider chooses to utilize a substitute, the substitute shall:

- (1) Meet all of the requirements detailed in appendix B to this rule.
- (2) Complete the staff orientation training as prescribed by the Ohio department of job and family services (ODJFS) within thirty days of starting employment unless the child care staff member has documentation of completion of the training after December 31, 2016. Substitutes employed prior to the effective date of this rule shall complete the orientation by January 1, 2018.
- ~~(2)~~(3) Follow all of the requirements in rule 5101:2-13-19 of the Administrative Code.

(G) What are the requirements for using a substitute caregiver?

- (1) Substitute child care shall occur only in the family child care home to which the children are authorized.
- (2) The licensed family child care provider shall ensure that the substitute and child care staff members have the following information at the time child care services are provided:
  - (a) Telephone number where the provider can be reached.
  - (b) Location of first aid supplies.
  - (c) Child records detailed in rule 5101:2-13-15 of the Administrative Code.

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FCCMTL 9

*Effective Date: September 29, 2019*

*Most Current Prior Effective Date: October 29, 2017*

Appendix A - Standards for Rehabilitation

- (A) What records are included in a background check?
- (1) Bureau of criminal investigation (BCI) records pursuant to section 5104.013 of the Revised Code.
  - (2) Federal bureau of investigation (FBI) records pursuant to section 5104.013 of the Revised Code.
  - (3) National sex offender registry.
  - (4) State sex offender registry.
  - (5) Statewide automated child welfare information system (SACWIS) records.
- (B) Who shall have a background check?
- (1) Licensed family child care providers and applicants to be licensed family child care providers.
  - (2) Adults (age eighteen and older) residing in the home of the family child care provider or applicant.
  - (3) Employee of a family child care provider or applicant as defined in rule 5101:2-13-01 of the Administrative Code.
  - (4) Child care staff member of the family child care provider or applicant as defined in rule 5101:2-13-01 of the Administrative Code, including substitutes.
- (C) When is a background check required?
- (1) At application for a family child care license.
  - (2) Within ten business days after a resident of the home turns eighteen years old.
  - (3) ~~Within ten business days of an adult moving into the home.~~
  - (4) Prior to the first day of employment for the employee or child care staff member.
  - (5) Every five years from the date of the most recent ~~criminal~~ BCI records check.
- (D) How is a background check obtained?
- The individual shall:
- (1) Create a profile in the Ohio professional registry (OPR).
  - (2) Submit fingerprints electronically according to the process established by BCI and have the BCI and FBI results sent directly to the Ohio department of job and family services (ODJFS). Information on how to obtain a background check can be found at <https://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck>.
  - ~~(1)(3) Complete and submit the JFS 01175 "Request for a Background Check for Child Care" (10/2017) to the Ohio department of job and family services (ODJFS) or request for a background check for child care in the OPR Ohio professional development registry (OPR) system generated equivalent.~~
  - ~~(2) Submit fingerprints electronically according to the process established by BCI and have the BCI and FBI results sent directly to ODJFS. Information on how to obtain a background check can be found at <http://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck>.~~
  - ~~(3) Create a profile in the OPR.~~



~~(4) Any individual employed by a program, the family child care provider or resident of the home prior to the effective date of this rule shall submit to ODJFS the JFS 01175 and create a profile in the OPR by January 1, 2018.~~

(E) What if an individual previously resided in a state other than Ohio?

- (1) ODJFS will contact any states in which the individual resided in the previous five years to request the information required in paragraph (A) of this rule.
- (2) Any information received from other states will be reviewed and considered by ODJFS as part of the background check review pursuant to paragraph ~~(F)~~ (G) of this rule.

(F) What happens if an individual does not complete the full background check determination process?

- (1) If the individual completes only the requirements in paragraph (D)(2) of this rule or only the requirements in paragraph (D)(3) of this rule and does not submit the other component within forty-five days, the background check process will end and a determination of eligibility will not be made.
- (2) ODJFS will notify the individual and the program that the background check determination process has ended.
- (3) The individual will need to complete the requirements of paragraphs (D)(2) and (D)(3) to restart the background check determination process in the future.

~~(F)~~(G) What makes an individual ineligible ~~for employment or residence~~ to own, reside or be employed in a licensed family child care home?

- (1) A conviction or guilty plea to an offense listed in division (A)(5) of section 109.572 of the Revised Code<sub>1</sub>, unless the individual meets the rehabilitation criteria in appendix A to this rule.
  - (a) Section 109.572 of the Revised Code requires that this rule applies to records of convictions that have been sealed pursuant to section 2953.32 of the Revised Code.
  - (b) A conviction of or a plea of guilty to an offense listed in division (A)(5) of section 109.572 of the Revised Code is not prohibitive if the individual has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. For purposes of this rule<sub>1</sub>, "unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.
- (2) Being registered or required to be registered on the national or state sex offender registry or repository.
- (3) The individual is identified in SACWIS as the perpetrator for a substantiated finding of child abuse or neglect in the previous ten years from the date ~~on the JFS 01175~~ the request for background check was submitted or the individual has had a child removed from their home in the previous ten years pursuant to section 2151.353 of the Revised Code due to a court determination of abuse or neglect caused by the person.

~~(G)~~(H) What happens after ~~ODJFS completes the background check on an~~ the individual requests the background check and submits fingerprints through a webcheck location?

- (1) The provider, county agency, and individual will receive a notification of preliminary approval generated from the OPR.
- ~~(1)~~(2) The provider and county agency will receive the JFS 01176 "Program Notification of Background Check Review for Child Care" ~~(10/2017)~~ (rev. 9/2019) from ODJFS and shall keep it on file, if not available in the OPR.
  - (a) For those individuals not eligible for employment the provider shall not hire the individual or shall terminate them from employment immediately upon receipt of the JFS 01176.

- (b) For those individuals not eligible for residence in a licensed family child care home, the resident shall immediately cease living in the family child care home upon receipt of the JFS 01176.
- (c) Until preliminary approval is received from ODJFS, an employee or child care staff member hired on or after the effective date of this rule shall not engage in any assigned duties or be near children.
- ~~(e)~~(d) A child care staff member with preliminary approval but not a JFS 01176 on file at the home or in the OPR shall not be left alone with children and shall be supervised at all times by the provider or another child care staff member with a JFS 01176 on file at the home or in the OPR ~~until the JFS 01176 is on file at the home.~~
- (e) Only child care staff members with a JFS 01176 on file at the home or in the OPR may be left alone with children.
- ~~(2)~~(3) The individual will receive the JFS 01177 "Individual Notification of Background Check Review for Child Care" ~~(10/2017)~~(rev. 9/2019) from ODJFS.
  - (a) If the individual believes the information received is not accurate, the individual may directly contact the agency that contributed the questioned information.
  - (b) If the individual disagrees with the employment/residency eligibility decision made by ODJFS, a JFS 01178 "Request for Review of Background Check Decision for Child Care" (10/2017) shall be completed to request a review of the decision. The JFS 01178 shall be submitted within fourteen business days from the date on the JFS 01177.

~~(H)~~(I) What happens after an individual submits a JFS 01178 to ODJFS?

If an individual requests a review of a background check decision pursuant to paragraph ~~(G)(2)(b)~~ (H)(3)(b) to this rule:

- (1) The program shall not allow the individual to be on-site at the program or reside in the home during the review by ODJFS.
- (2) If the individual is determined to be eligible for employment or residence, the program may allow the individual to be employed or reside in the home and shall keep the updated JFS 01176 on file pursuant to paragraph ~~(G)(1)~~ (H)(2) of this rule.

~~(H)~~(J) What are the background check requirements if ~~when~~ an individual becomes employed at another licensed program ~~changes employment or adds an additional employer?~~

- (1) Only the ~~JFS 01175~~ request for a background check for child care in the OPR is required if the individual meets all of the following:
  - (a) The individual has a current background check determination by ODJFS completed in the previous five years pursuant to this rule.
  - (b) The individual has been employed by a licensed child care center, licensed type A home, licensed type B home, approved day camp, a preschool or school-age program approved to provide publicly funded child care or certified as an in-home aide or was a resident of a licensed type A home or licensed type B home in the previous one hundred eighty consecutive days.
- (2) Upon receipt of the ~~updated JFS 01175~~ request, ODJFS will ~~send~~ provide the JFS ~~01177~~ 01176 based on the existing background check determination to the new employer.

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## FCCMTL 8

**Effective Date: October 29, 2017**

**Most Current Prior Effective Date: December 31, 2016**

### **Appendix A - Health Training Courses**

### **Appendix B - Professional Development Training Topics**

(A) What health training is required for a licensed family child care provider prior to licensure?

The family child care provider shall complete the following:

- (1) Have a current certification in first aid and cardiopulmonary resuscitation (CPR). Training shall be appropriate for all of the ages of children in care.
- (2) Have a current training in management of communicable disease and the six-hour child abuse recognition and prevention.

~~(3) Type A child care providers licensed prior to the effective date of this rule shall have until June 30, 2017 to meet the health training requirements of this paragraph.~~

(B) What health training is required for a licensed family child care provider once licensed?

- (1) Maintain current certification in first aid and infant and child CPR. The training shall be appropriate for all of the ages of children in care.
- (2) Maintain current training in management of communicable disease and child abuse recognition and prevention.
- (3) Audiovisual or electronic media training shall not be used to meet the CPR training requirement pursuant to paragraphs (A)(1) and (B)(1) of this rule unless there is also an in-person component of the training.

(C) What health training is required for a licensed family child care staff member and a substitute child care staff member?

- (1) Prior to being left alone with children, the child care staff member shall complete and be current in:
  - (a) CPR.
  - (b) First aid.
  - (c) Management of communicable disease.
  - (d) ODJFS prescribed one-hour child abuse overview which is valid for two years.

~~(2) Child care staff members employed on or before the effective date of this rule shall have until June 30, 2017 to complete the one-hour child abuse overview.~~

~~(3)~~(2) Trainings shall meet course and trainer requirements in appendix A to this rule.

~~(4)~~(3) Audiovisual or electronic media training shall not be used to meet the CPR training requirement pursuant to paragraph (C)(1) of this rule unless there is also an in-person component of the training.

(D) What are the on-going professional development requirements for the licensed family child care provider and child care staff members?

- (1) Complete a minimum of six clock hours of training annually in any of the categories listed in appendix B to this rule each fiscal year. The fiscal year is defined as July first through June thirtieth.

- (2) A family child care provider licensed between January first and June thirtieth of each year is not required to complete the professional development requirements until the following fiscal year.
  - (3) A child care staff member hired between January first and June thirtieth of each year is not required to complete the professional development requirements until the following fiscal year.
  - (4) Health trainings taken pursuant to paragraph (A), (B), or (C) of this rule may not be used to meet the professional development training requirements.
  - (5) Audiovisual or electronic media training may be used to meet the required six hours of annual training.
  - (6) A person designated and employed as a substitute child care staff member is not required to meet the professional development requirements.
- (E) What verification is needed on file at the home to document the completed training?
- (1) The health trainings shall be documented by one of the following:
    - (a) Verification from the Ohio professional registry.
    - (b) The JFS 01276 "Health Training Documentation for Child Care" (12/2016).
    - (c) Training cards issued by organizations approved by the ODJFS for first aid, CPR or prevention, recognition and management of communicable diseases.
  - (2) The on-going professional development shall be documented by one of the following:
    - (a) Verification from the Ohio professional registry (OPR).
    - (b) Transcript of completion of college courses from an accredited university, college, or technical college.
      - (i) One quarter credit hour equals ten clock hours of training.
      - (ii) One semester credit hour equals fifteen clock hours of training.
    - (c) The JFS 01307 "Professional Development Documentation for Child Care" (rev. 12/2016).
    - (d) Certificates indicating continuing education units (CEU). One CEU equals ten clock hours of training.
    - (e) Certificates issued by Ohio child welfare training centers.
  - (3) A family child care provider shall ~~immediately~~, within five business days, provide current staff with copies of their training documentation upon request or upon separation from employment for any records not verified in the OPR.

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**FCCMTL 6**

***Effective Date: December 31, 2016***

***Most Current Prior Effective Date: November 22, 2015***

**(A) What are the indoor space requirements for a licensed family child care home?**

- (1) There shall be at least thirty-five square feet of usable wall-to-wall indoor floor space per child for the total number of children who are present at one time.**
- (2) Usable indoor floor space shall not include bathrooms, hallways, storage rooms or other areas not available or not used for child care.**

**(B) What are the outdoor space requirements for a licensed family child care home?**

- (1) The home shall have an on-site outdoor space that:**
  - (a) Provides at least sixty square feet of usable space per child using the area at one time.**
  - (b) Is located away from traffic or protected from traffic by a fence in good condition with functioning gates or a natural barrier. The fence or natural barrier shall assure that children are not able to leave the outdoor play area unsupervised and shall assure that any hazards from the outside cannot enter the outdoor play area without the child care staff member or provider being aware of them.**
  - (c) Is protected from animals.**
  - (d) Provides access to bathroom facilities and drinking water during play times.**
  - (e) Provides a shaded area. The shade may be naturally occurring from trees, building, or overhangs. Providers may also install lawn umbrellas that are securely anchored or other structures that provide shade in a safe manner.**
- (2) The home shall not use outdoor porches above the first floor as play areas, unless the porches are fully enclosed and structurally sound.**
- (3) Bodies of water (other than water tables designed for children to play in only with their hands) shall be separated from the play area by a fence or other physical barrier (the house door alone is not a sufficient barrier) that prevents children from accessing the water. Wading pools shall only be accessible to children in accordance with rule 5101:2-13-24 of the Administrative Code.**

**(C) What are the exemptions from having an on-site outdoor space?**

**If an onsite play area is not available, a provider may use an off-site play area for daily use if it is determined, upon inspection by the provider and the county agency, that the area and its accessibility are safe. An off-site play area approved for regular use shall meet the same requirements as the onsite play areas listed in this rule.**

**(D) What are the requirements for outdoor equipment?**

- (1) Outdoor equipment, whether stationary or portable, shall be safe and designed to meet the developmental needs of all of the age groups of children using the space.**
- (2) Equipment such as, but not limited to, climbing gyms, swings, slides shall:**
  - (a) Be placed out of the path of the area's main traffic pattern.**
  - (b) Be anchored or stable and have all parts in good working order and securely fastened.**
  - (c) Have all climbing ropes anchored at both ends and not capable of looping back on themselves creating a loop with an interior perimeter of five inches or greater.**
  - (d) Have "S" hooks that are closed in order to prevent the chain from slipping off of the hook and to prevent strangulation.**

- (e) Be free of rust, cracks, holes, splinters, sharp points or edges, chipped or peeling paint, lead hazards, toxic substances, protruding bolts or tripping hazards.
- (f) Have no openings that are greater than three and one half inches, but less than nine inches to avoid entrapment of the head or other body parts.
- (g) Have protective barriers on platforms that are thirty inches high or higher. A protective barrier means an enclosing device around an elevated platform that is intended to prevent both inadvertent and deliberate attempts to pass through the device.
- (h) Be assembled, installed and utilized according to manufacturer's guidelines.

(3) Sandboxes shall be covered with a lid or other covering when they are not in use.

(E) What are the requirements for a fall zone?

Outdoor play equipment designated for climbing, swinging, balancing and sliding shall have a fall zone of protective resilient material on the ground under and around the equipment.

- (1) The material may be one of the following, but not limited to, washed pea gravel, mulch, sand, wood chips, or synthetic material such as rubber mats or tiles manufactured for this purpose.
- (2) Equipment shall not be placed directly over concrete, asphalt, blacktop, dirt, rocks, grass or any other hard surface.
- (3) Synthetic surfaces shall follow manufacturer's guidelines for depth.
- (4) All loose fill materials, such as mulch, sand, wood chips, washed pea gravel shall be raked, as needed to retain their proper distribution and depth. Foreign materials must be removed prior to use by children.

Replaces: 5101:2-13-13, 5101:2-13-14, 5101:2-14-11

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**FCCMTL 8**

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- (A) What are the safe equipment requirements for a licensed family child care provider?
- (1) Equipment, materials, and furniture shall be sturdy, safe and easy to clean and maintain. They shall also be free of sharp points or corners, splinters, or protruding nails; loose or rusty parts; paint which contains lead or other poisonous materials; or other hazardous features.
  - (2) Furniture, equipment and materials which are not usable due to breakage or being a hazard, shall be removed immediately and stored away from children until repaired or replaced.
  - (3) Air conditioners, heat pumps, electric fans and space heaters shall be mounted or placed out of the children's reach or have safeguards which prevent children from being injured.
  - (4) Indoor swings, (excluding infant swings), slides, climbers and climbing apparatuses shall not be placed over carpet, concrete, tile, or any similarly hard surface. There shall be shock absorbent protective covering under and around this equipment. If climbing equipment is over three feet high, landing mats at least one and one half inches thick shall be used. The protective covering shall be used and placed according to manufacturer's guidelines.
  - (5) All children's equipment, including those with straps, shall be used in accordance with the manufacturer's guidelines.
  - (6) Trampolines, inflatable bounce houses and ball pits shall not be permitted for use at the family child care home.
- (B) What are the safe environment requirements for a licensed family child care provider?
- (1) Weapons, firearms and ammunition materials shall be kept inaccessible to children, out of sight of children and in locked storage areas. Weapons and firearms include air rifles, hunting slingshots and any other projectile weapon.
    - ~~(a) Weapons and firearms include air rifles, hunting slingshots and any other projectile weapon.~~
    - ~~(b) A law enforcement official who can document that his or her jurisdiction requires ready and immediate access to the weapon shall be exempt from the requirements of this paragraph.~~
  - (2) Each of the following groups will be permitted to have the following weapons unsecured in a family child care home, unless specifically not permitted by the family child care program owner. Although permitted to be in the home, the weapons shall not be accessible to children.
    - (a) Handguns may be carried by an individual with a valid concealed handgun license and must be kept out of sight of the children.
    - (b) Weapons may be carried by an active duty member of the U.S. armed forces if also carrying valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code.
    - (c) Weapons may be carried by a law enforcement official who can document that his or her jurisdiction requires ready and immediate access to the weapon.
  - ~~(2)~~(3) Illegal drugs or substances shall not be on the premises. Alcohol shall be kept inaccessible to children and out of sight of children.
  - ~~(3)~~(4) Carbon monoxide detectors shall meet the following requirements:

- (a) In single family homes, there shall be at least one UL listed carbon monoxide detector located in the basement and on each level of the home in which child care is being provided.
  - (b) In multi-family buildings, there shall be at least one UL listed carbon monoxide detector located in the basement and on each level of the unit in which child care is being provided.
  - (c) The carbon monoxide detectors shall be placed, installed, tested and maintained in accordance with manufacturer's recommendations.
- ~~(4)~~(5) In accordance with division (A)(8) of section 2923.1212 of the Revised Code, the family child care provider shall post a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Revised Code, no person shall knowingly possess, have under the person's control, convey or attempt to convey a deadly weapon or dangerous ordnance on these premises."
- ~~(5)~~(6) The licensed family child care provider shall maintain an indoor temperature of at least sixty-five degrees Fahrenheit. If the homes indoor temperature exceeds eighty-five degrees Fahrenheit, ventilation that produces air movement or air conditioning shall be provided.
- ~~(6)~~(7) Children in care shall be protected from any items and conditions which threaten their health, safety, and well being, including but not limited to: stoves, bodies of water, window covering pull cords, telephone cords, electrical cords, extension cords, lead hazards, asbestos, wells, traffic, provider's, staff's or household member's personal belongings and other environmental hazards and dangerous situations.
- ~~(7)~~(8) If area rugs are used, they shall have a nonskid backing and floor surfaces shall be maintained to not cause a tripping hazard.
- ~~(8)~~(9) Toys or other materials small enough to be swallowed shall be kept out of the reach of infants and toddlers.
- ~~(9)~~(10) Cleaning and sanitizing equipment and supplies shall be stored in a space that is inaccessible to children. Cleaning agents, aerosol cans and all other chemical substances shall be stored in a designated area in their original containers and/or clearly labeled.
- ~~(10)~~(11) Mercury thermometers shall not be used.
- ~~(11)~~(12) Electrical outlets, including surge protectors, within the reach of children shall have child proof receptacle covers when not in use unless designed with safety guards, except for homes which serve school-age children exclusively.
- ~~(12)~~(13) Renovations and remodeling to the home shall be conducted in a safe manner to ensure that lead poison hazards are not introduced into the environment as required by Chapter 3742. of the Revised Code.
- ~~(13)~~(14) Unless toilets and sinks are of suitable height for use by the children, the home shall provide a sturdy, nonslip platform on which the children may stand.
- ~~(14)~~(15) Lawnmowers, sharp tools, machinery and other equipment shall not be used or stored where children have access to them.
- ~~(15)~~(16) All areas used by children shall be ventilated and shall provide protection from rodents, insects and other hazards.
- ~~(16)~~(17) Aerosol spray products shall not be used in room where children are in attendance.
- ~~(17)~~(18) All utilities shall be operable.
- ~~(18)~~(19) The home shall contain a kitchen sink, refrigerator and stove or microwave oven in working condition.

~~(19)~~(20) If gates are used in the home, they shall be firmly anchored when in use. Gates at the top of stairs shall be wall mounted. Gates shall have no spaces where a child could become entrapped. Accordion style gates shall not be used.

~~(20)~~(21) Handles of pots and pans placed on top of a stove or oven shall be directed inward so they are not easily accessible to children.

~~(21)~~(22) The home shall have both hot and cold running water. The temperature of the hot water shall not exceed one hundred twenty degrees Fahrenheit unless the provider demonstrates that the hot water faucet can be made inaccessible or inoperable when children are in care.

(C) What are the regulations for having pets in a licensed family child care home?

- (1) Pets and animals shall be permitted if they present no apparent threat to the safety or health of the children.
- (2) All pets shall be properly housed, cared for, licensed and inoculated. All local and state ordinances governing the keeping of animals (exotic or domesticated) shall be followed and updated as required. Verification of license and compliance with local and state requirements and inoculations, for each pet requiring such license or inoculations, or regulated by local or state government shall be on file at the family child care provider's home.
- (3) Children shall not be directly exposed to animal urine or feces inside the home or in the outdoor play area.

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**Appendix A - Schedule for Cleaning and Sanitizing Items**

**Appendix B - Handwashing**

**Appendix C - Smoke Free Environment**

- (A) What are the requirements to provide and maintain a clean environment, furniture, materials and equipment in a licensed family child care home?
- (1) Toilet tissue, liquid soap, running water, individually assigned towels or disposable towels shall be provided in all bathrooms. Toilets and bathroom sinks shall be in good working condition. Toilets shall be flushed after each use.
  - (2) Equipment, furnishings, and materials shall be constructed of materials to facilitate cleaning and shall be kept clean and in good repair.
  - (3) Accumulated trash and garbage shall be stored outside of the outdoor or indoor play area and shall not be accessible to the children.
  - (4) The home shall be cleaned daily and kept in a sanitary condition at all times. Cleaning and sanitizing shall not take place while rooms are occupied by children, except for general cleanup activities such as sweeping and vacuuming, and wiping off tables which are part of the daily routine. The cleaning and sanitizing schedule contained in appendix A to this rule shall be followed.
  - (5) The premises shall be kept clean to prevent an infestation by insects or rodents.
  - (6) If the home's water is not publicly supplied, the provider shall contact the Ohio environmental protection agency (EPA) to determine if it qualifies as a public water system.
    - (a) If the water supply qualifies as a public water system, the provider shall comply with the Ohio EPA requirements.
    - (b) If the water supply does not qualify as a public water system, the provider shall contact the local health department to have the water tested and follow any additional requirements requested by the health department. The provider shall retain a copy of the water test in the home and make it available upon request.
  - (7) On-site sewage disposal systems shall not present a public health hazard.
  - (8) Dishes, cups, containers and silverware sent by the parent shall be cleaned and sanitized according to appendix A to this rule if not sent home daily for cleaning.
- (B) What are the handwashing requirements for a licensed family child care home?
- (1) Handwashing shall occur in a handwashing sink which is a permanent fixture with running water and which conforms to the Ohio plumbing standards of division 4101:3 of the Administrative Code.
  - (2) Handwashing requirements for the family child care provider, child care staff members, employees and children are detailed in appendix B to this rule.
- (C) What are the requirements for a smoke free environment in a licensed family child care home?
- The provider shall provide a smoke free environment for the children during the hours that child care is being provided as detailed in appendix C to this rule.
- (D) What are the requirements for toothbrushing in a licensed family child care home?
- Licensed family child care providers who provide toothbrushing shall:

- (1) Label each toothbrush with child's name and store with bristles to air dry in such a way that the toothbrushes cannot contact or drip on each other and the bristles are not in contact with any surface.
- (2) Ensure that when a single tube of toothpaste is used for more than one child a pea sized amount shall be dispensed onto a clean piece of paper or paper product for each child.
- (3) Discard and replace toothbrushes every three months or if one of the following occur:
  - (a) Contamination through contact with another brush or after illness.
  - (b) A toothbrush is used by another child.
  - (c) A toothbrush comes in contact with the toilet or toileting area.

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**Appendix A - Written Permission When Children Are Transported**

**Appendix B - Type A Home Vehicle Requirements**

**Appendix C - Type B Home Vehicle Requirements**

(A) What shall be available on all trips, including routine walking trips?

The licensed family child care provider shall:

- (1) Have written and signed permission from the parent before transporting or escorting a child away from the home for field trips and routine trips as detailed in appendix A to this rule. The permission slips shall be kept on file at the home for one year.
- (2) Attach to each child on a routine or field trip, except children being transported only to and from school or only to and from home, identification containing the family child care provider's name, address, and a telephone number to contact in the event the child becomes lost.
- (3) Have a completed copy of the JFS 01234 "Child Enrollment and Health Information for Child Care" (rev. 12/2016) for each child on the trip, except routine walks.
- (4) Have first aid supplies as required by rule 5101:2-13-16 of the Administrative Code.
- (5) Have the completed JFS 01236 "Child Medical/Physical Care Plan for Child Care" (rev. 12/2016), for any child who has a health condition which could require special procedures or precautions during the course of the trip. The family child care provider, child care staff member or substitute shall also take supplies needed to provide such treatment.
- (6) Have a working cellular phone or other means of immediate communication. Cellular phones shall not be used by a driver while the vehicle is in motion.
- (7) Ensure that if the vehicle used to transport children is manufactured with seat belts, they shall be utilized by adults and children, no more than one person may be strapped in each seat belt. Children or adults shall not be permitted to stand in a moving vehicle, sit on the floor or ride in a vehicle where all seats are not securely anchored.

(B) What are the ratio and supervision requirements for trips, including routine walking trips?

- (1) The staff/child ratio and group size requirements of rule 5101:2-13-18 of the Administrative Code shall be met on field trips and routine trips. Children shall be assigned to the provider or specific child care staff members for all field trips.
- (2) Parents, guardians or adults authorized by the provider may be drivers on field trips provided that staff/child ratio requirements are met at the destination.
- (3) An adult must be present with the vehicle any time children are in the vehicle. At no time are children to be left unattended.
- (4) The vehicle shall be checked at completion of each trip to ensure that no child has been left on the vehicle.

(C) What are the driver requirements for drivers who are used in the staff/child ratio or are child care staff members of the family child care home?

The driver shall:

- (1) Be at least eighteen years old.
- (2) On routine trips, be the provider, an employee or child care staff member with the exception of contracted transportation services.

- (3) Hold a currently valid driver's license required for the type of vehicle driven in accordance with Ohio law.
  - (a) A copy of each driver's current driver's license shall be kept on file at the home.
  - (b) The family child care provider is responsible for assuring that the copy of the driver's license on file is kept current.
- (4) Never leave children alone in a vehicle.
- (5) Be free from the influence of any substance which could impair driving abilities.
- (6) Adhere to the state of Ohio's child restraint law found in section 4511.81 of the Revised Code when transporting children in care.
- (7) Not allow children under twelve years of age to ride in the front seat of any vehicle.
- (8) Be trained utilizing the Ohio department of job and family services (ODJFS) driver training if the driver is an employee. ~~Providers and child care staff members employed as of the date of this rule have until June 30, 2017 to meet this requirement.~~
  - (a) A trained child care staff member is not required in the vehicle on field trips when parents are providing the transportation.
  - (b) A trained child care staff member is not required when public transportation is being utilized or the school district is providing transportation to or from the provider's home.
- (9) Only a child care staff member or substitute who is used in accordance with the requirements in rule 5101:2-13-08 of the Administrative Code may transport children without the provider present, except parents may transport children for field trips.
- (10) For drivers who are not child care staff members or substitutes, the family child care provider shall secure and keep on file at the home a JFS 01266 "Contracted Driver Qualifications Statement for Child Care" (rev. 10/2016) that has been completed at least annually by their driver's employer.

(D) What are the vehicle requirements for a licensed family child care home?

- (1) Any vehicle operated by the family child care home provider, child care staff member, or substitute to transport children for routine trips or field trips shall be mechanically safe at all times.
- (2) Requirements for type A home vehicles used for transportation of children are listed in appendix B to this rule.
- (3) Requirements for type B home vehicles used for transportation of children are listed in appendix C to this rule.

(E) When shall vehicles used for transporting children be inspected?

- (1) The licensed family child care provider shall maintain documentation that staff have performed weekly inspections followed by any necessary repairs or other appropriate actions, for the following items:
  - (a) A visual inspection of the vehicle's tires for wear and adequate pressure.
  - (b) A visual inspection for working headlights and taillights, signals, mirrors, wiper blades and dash gauges.
  - (c) An inspection for properly functioning child and driver restraints.
  - (d) An inspection for properly functioning doors and windows.
  - (e) An inspection for, and cleaning of, debris from the vehicle's interior.
- (2) The family child care provider shall require providers of transportation services to maintain documentation that the transportation services staff have performed the same weekly

inspections and necessary repairs or other appropriate actions required by paragraph (F)(1) of this rule.

- (F) Parents, who are not employed by the family child care provider, who use their vehicles for transportation for field trips shall not have to meet the requirements of paragraph (E) of this rule.

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**Appendix A - Diseases for Immunizations**

**(A) What are the requirements for the JFS 01234 "Child Enrollment and Health Information" (rev. 12/2016) for a licensed family child care provider?**

The provider shall:

- (1) Have a completed JFS 01234 on file for each child in care by the first day of attendance, including the provider's own children under the age of six.
- (2) Ensure the JFS 01234 is reviewed at least annually by the parent and updated as needed when information changes. The parent and the provider shall initial and date the form when the information is reviewed or updated.
- (3) Send the child's JFS 01234 with any child who is being transported for emergency assistance.
- (4) Maintain a current copy of the completed JFS 01234 for each child in care in a location that can be easily and quickly accessed and removed from the home if there is an emergency that requires the children to be moved to another location.

**(B) What are the requirements for the children's medical statement for a licensed family child care provider?**

- (1) The provider shall secure and have on file verification of a medical examination for each child enrolled, including the provider's own children. Children who attend a grade of kindergarten and above in an elementary school are exempt from this requirement.
- (2) The medical statement shall be on file at the home within thirty days of the child's first day of attendance and shall be updated every thirteen months thereafter from the date of the examination.
- (3) The medical statement shall contain the following information:
  - (a) The child's name and birth date.
  - (b) The date of the medical examination.
  - (c) A statement that the child has been examined and is in suitable condition for participation in group care.
  - (d) The signature, business address and telephone number of the physician, physician's assistant (PA), advanced practice registered nurse (APRN) or certified nurse practitioner (CNP) who examined the child.
  - (e) A record of the immunizations that the child has had, specifying the month, day and year of each immunization. This record may be an attachment to the medical statement.
  - (f) A statement from the physician, PA, APRN, or CNP that the child has been immunized or is in the process of being immunized against the diseases required by division 5104.014 of the Revised Code and found in appendix A to this rule or a statement that the child meets one of the following:
    - (i) A statement from a physician, PA, APRN, or CNP that an immunization against the disease is medically contraindicated for the child.
    - (ii) A statement from a physician, PA, APRN, or CNP that an immunization against the disease is not medically appropriate for the child's age.

- (iii) A statement from the child's parent that he or she has declined to have the child immunized against the disease for reasons of conscience, including religious convictions.

(C) What are the requirements for caring for children with specific health condition for a licensed family child care provider?

- (1) The JFS 01236 "Medical/Physical Care Plan" (rev. 12/2016) shall be used for children with a condition or diagnosis that require the following:
  - (a) Monitoring the child for symptoms which require the staff to take action.
  - (b) Administering procedures which require staff to be trained on those procedures.
  - (c) Avoiding specific food(s), environmental conditions or activities.
  - (d) A school-age child to carry and administer their own emergency medication.
  - (e) The provider shall:
    - (i) Ensure the parent completes and signs a JFS 01236 for each condition per child.
    - (ii) Review the JFS 01236 for completeness and sign.
    - (iii) Implement and follow all requirements of each child's JFS 01236.
    - (iv) Update the JFS 01236 as needed and at least annually.
    - (v) Ensure the JFS 01236 is signed by any trained child care staff member who is providing care to the child.
    - (vi) Keep the completed JFS 01236 on file at the home for at least one year.
    - (vii) Maintain a current JFS 01236 for any child who requires one, in a location that can be easily and quickly accessed and removed from the home if there is an emergency that requires the children to be moved to another location.
- (2) The plan shall be reviewed by the parent at least annually and updated as needed, including an updated list of trained child care staff members, if applicable. The parent and the provider shall initial and date the form when the information is reviewed or updated.
- (3) The plan shall be on file with the provider by the first day of attendance or upon confirmation of a health condition.
- (4) If the provider suspects that a child has a health condition, the provider may require a physician's statement within a designated timeframe.
- (5) The provider, child care staff member and substitute shall be trained by a parent or certified professional before being permitted to perform medical procedures or other action needed for a health condition or special need.

(D) What information regarding children's records can be shared?

Children's records shall be confidential but shall be available to the Ohio department of job and family services (ODJFS) and the county agency for the purpose of administering Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code. The immunization records shall be subject to review by the Ohio department of health (ODH) for disease outbreak control and for immunization level assessment purposes.

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**Appendix A - First-Aid Kit Contents**

**Appendix B - Caring for Sick Children**

- (A) What are the medical, dental and general emergency requirements for a licensed family child care provider?

The family child care provider shall:

- (1) Have a written plan for medical or dental emergencies on the JFS 01242 "Medical, Dental and General Emergency Plan for Child Care" (rev. 12/2016). The plan shall be completed, implemented when necessary, and shall be posted in a noticeable location on each level of the home in use for child care.
- (2) Complete the JFS 01201 "Dental First Aid" (rev. 12/2016) and post in a location readily available to parents, child care staff members and substitutes.
- (3) Post a fire and weather alert plan in each space used by the children. The plan shall include a diagram indicating evacuation routes.
- (4) Conduct monthly fire drills at varying times. Written documentation of these drills shall be kept on-site.
- (5) Conduct monthly weather emergency drills in the months March through September. Written documentation of these drills shall be kept on-site.
- (6) Conduct quarterly emergency/lockdown drills. Written documentation of these drills shall be kept on-site.

- (B) What are the first aid kit requirements for a licensed family child care provider?

- (1) An unlocked, closed first-aid container shall be on the premises and readily available to the provider but shall be kept out of reach of children.
- (2) The first-aid container shall contain all of the items listed in appendix A to this rule.
- (3) First aid supplies shall be replaced as they are used, expired, damaged or if sterile packages are opened.

- (C) What are the specific procedures the licensed family child care provider needs to follow for standard precautions?

- (1) Blood spills shall be treated cautiously and decontaminated promptly. Disposable vinyl gloves shall be worn during contact with blood or bodily fluids which contain blood, such as vomit or feces in which blood can be seen.
- (2) Surfaces contaminated with blood or bodily fluids containing blood shall first be cleaned with hot, soapy water and then sanitized with an appropriate bleach solution which is prepared on a daily basis, according to product guidelines or other acceptable disinfectant solution which is environmental protection agency (EPA) rated as hospital disinfectant with a label claim for mycobactericidal activity.
- (3) Disposal of materials that contain blood requires a sealable, leak-proof plastic bag or double bagging in plastic bags that are securely tied.
- (4) Non-disposable items, such as clothing that contain blood, shall be placed in a sealable, leakproof plastic bag or double bagged in plastic bags that are securely tied and sent home with the child.

- (5) Sharp items used for procedures on children with special needs, such as lancets for finger sticks or syringes, require a disposable container called a "sharps container." This is a container made of durable, rigid material which safely stores the lancets or needles until the parent can take them home for disposal. Sharps containers shall be stored out of the reach of children.
- (D) What are the communicable disease requirements for a licensed family child care provider?
- (1) The provider shall decide if he or she will care for sick children as defined in appendix B to this rule, and shall inform parents of his or her decision.
  - (2) If the provider cares for sick children, the provider shall follow the guidelines detailed in appendix B to this rule.
  - (3) The JFS 08087 "Communicable Disease Chart" (rev. 12/2016) shall be posted in a location readily available to parents, child care staff members and substitutes for use in identifying and responding to communicable diseases.
  - (4) No later than the end of the next business day, the provider shall notify parents when their child has been exposed to a communicable disease listed on the JFS 08087.
  - (5) All the requirements of this rule shall apply if the provider's own child is sick.
  - (6) The provider shall release employees and child care staff members who have a communicable disease or who are unable to perform their duties due to illness.
- (E) When shall a family child care provider complete the JFS 01299 "Incident/Injury Report for Child Care" (rev. 12/2016)?
- (1) The family child care provider shall complete the JFS 01299 and provide a copy to the child's parent or the person picking up the child on the day of the incident or injury if:
    - (a) A child becomes ill and requires first aid or receives an injury which requires first aid treatment.
    - (b) A child is transported in accordance with this rule to a source of emergency assistance.
    - (c) A child receives a bump or blow to the head.
    - (d) An unusual or unexpected incident occurs which jeopardizes the safety of a child or provider, such as a child leaving the home unattended, a vehicle accident with or without injuries or exposure of children to a threatening person or situation.
  - (2) Copies of the JFS 01299 shall be kept on file at the home for least one year and shall be available for review by the Ohio department of job and family services or county agency.
- (F) What is a serious incident?
- (1) Death of a child at the home.
  - (2) A child receives a bump or blow to the head that requires first aid or medical attention.
  - (3) An incident, injury, or illness requires a child to be removed by the parent or emergency services from the home for medical treatment, professional consultation or transportation for emergency treatment.
  - (4) An unusual or unexpected incident which jeopardizes the safety of a child or employee of a family child care home.
  - (5) An incident defined as a serious risk noncompliance in appendix A to rule 5101:2-13-03 of the Administrative Code.
- (G) What does the licensed family child care provider do if there is a serious incident?
- (1) The licensed family child care provider shall log in to <http://oclqs.force.com> by the next business day to report the incident, as defined in paragraph (F) of this rule, and complete the JFS 01156 "Serious Incident Reporting for Child Care" (~~rev. 12/2016~~), (rev. 10/2017).

- (2) This notification does not replace reporting to the public children's services agency if there are concerns of child abuse or neglect as required by rule 5101:2-13-19 of the Administrative Code.
- (3) The provider may print the completed JFS 01156 and give to the parent to meet the parent notification requirements of paragraph (E) of this rule.

(H) What are the disaster plan requirements for a licensed family child care provider?

The licensed family child care provider shall develop a written disaster plan and make it available to all child care staff members and employees.

- (1) The plan shall include procedures that will be used to prepare for and respond to the following types of emergency or disaster situations:
  - (a) Weather emergencies and natural disasters which include severe thunderstorms, tornadoes, flash flooding, major snowfall, blizzards, ice storms or earthquakes.
  - (b) Emergency outdoor or indoor lockdown or evacuation due to threats of violence which includes active shooter, bioterrorism or terrorism.
  - (c) Emergency or disaster evacuations due to hazardous materials and spills, gas leaks or bomb threats.
  - (d) Outbreaks, epidemics or other infectious disease emergencies.
  - (e) Loss of power, water or heat.
  - (f) Other threatening situations that may pose a health or safety hazard to the children in the home.
- (2) The disaster plan shall include details for:
  - (a) Shelter in place or evacuation, how the home will care for and account for the children until they can be reunited with the parent.
  - (b) Assisting infants and children with special needs and/or health conditions.
  - (c) Reunification with parents.
    - (i) Emergency contact information for the parents and the provider.
    - (ii) Procedures for notifying and communicating with parents regarding the location of the children if evacuated.
    - (iii) Procedures for communicating with parents during loss of communications, no phone or internet service available.
  - (d) The location of supplies and procedures for gathering necessary supplies for staff and children if required to shelter in place.
  - (e) What to do if a disaster occurs during the transport of children or when on a field trip or routine trip.
  - (f) Training of staff or reassignment of staff duties as appropriate.
  - (g) Updating the plan on a yearly basis.
  - (h) Contact with local emergency management officials.

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**Appendix A - Categories of Developmentally Appropriate Equipment and Materials**

**(A) What are the programming requirements for a licensed family child care provider?**

The requirements include:

- (1) Posting the daily schedule in a visible place in the home.
- (2) Providing opportunities for both quiet and active play suitable to the developmental levels and abilities of each child in care.
- (3) Providing activities to promote the children's physical, social-emotional, cognitive and language development.
- (4) Providing opportunities for periods of child initiated activities such as, imaginative play, language development and creative activities.
- (5) Providing outdoor play in suitable weather. Suitable weather is at a minimum twenty-five to ninety degrees Fahrenheit.
  - (a) For any infant over twelve months of age, toddler, preschool and school-age child in attendance four or more consecutive daylight hours.
  - (b) If only one staff member is present and there is an infant under twelve months of age in care, the provider is exempt from this requirement.
- (6) Indoor gross motor play such as, climbing, jumping, running, riding wheel toys, yoga, other physical fitness or music and movement on days when outdoor play is not provided.

**(B) What materials and equipment are required for a licensed family child care provider?**

The family child care provider shall:

- (1) Provide durable furniture such as tables and chairs. This furniture shall be child sized or safely adapted for use by children.
- (2) Provide developmentally appropriate play materials to be used as part of the daily schedule. These materials shall be readily accessible and arranged in an orderly manner so that children have opportunities to select, remove and replace play materials with minimal assistance during the day.
  - (a) The family child care provider shall have materials from each category in appendix A to this rule for infants, toddlers and preschool-age children.
  - (b) The family child care provider shall have materials from at least five of the nine categories in appendix A to this rule for school-age children.
- (3) Ensure that equipment, materials, and furnishings provided for both indoor and outdoor play are:
  - (a) Varied and adequate to meet the developmental needs of the children.
  - (b) Sufficient that each child can be actively involved in an activity.
- (4) Designate an area where children can individually store their personal belongings. This area shall not block walkways or evacuation routes.

Replaces: 5101:2-13-16, 5101:2-14-17

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**FCCMTL 11**

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***Most Current Prior Effective Date: October 29, 2017***

- (A) What are the requirements for staff/child ratios and maximum group size for a licensed family child care provider?
- (1) Each child care staff member shall care for no more than ~~six~~twelve children at any one time. No more than three of those children may be under two years of age.
  - (2) The family child care provider shall not ~~exceed the license capacity~~ care for more than twelve children at any time when caring for children during the provider's hours of operation.
  - (3) The family child care provider shall ensure that the required staff/child ratios are maintained at all times including during routine trips and field trips.
- (B) What children in the home are counted in ratio and group size?
- (1) Any child present at the home who meets any of the following shall be counted in the group size:
    - (a) All children under six years old, including those related to the provider, the provider's own children and residents of the family child care home.
    - (b) Children six years old through fourteen years old who are not related to the provider.
    - (c) Children six years old up to fifteen years old who are related to the provider and for whom care is privately or publicly funded.
    - (d) Children fifteen years old through seventeen years old who are authorized to the provider for publicly funded child care pursuant to Chapter 5101:2-16 of the Administrative Code.
    - (e) Foster children shall be counted as a child not related to the provider.
  - (2) If the parent of a child is also present and caring for the child, the child does not count in group size, unless the parent is the licensed family child care provider, a resident of the family child care home, an employee, a child care staff member or a substitute.
- (C) What are the requirements for providers to keep an attendance record?
- (1) The provider shall have written documentation of the following for each child:
    - (a) The name and birth date of the child.
    - (b) The assigned group for the child.
    - (c) The child's weekly schedule.
    - (d) The time (hours and minutes) of the child's arrival and departure to the program, including transportation by the program. The Ohio electronic child care (Ohio ECC) provider website (Pweb) cannot be used to meet this written documentation requirement.
    - (e) The written documentation shall be kept for a period of one year. Attendance documentation shall remain at the home at all times.
  - (2) Each group shall have a method for tracking the children in the group. This tracking method shall include the child's name and date of birth and shall remain with the group at all times throughout the day including outdoor play, emergency evacuations and when groups are combined. The tracking shall be updated throughout the day as children enter or leave the group.

Replaces: 5101:2-16-41

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**FCCMTL 6**

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***Most Current Prior Effective Date: September 1, 2005 (No Change)***

**Appendix A - Allowable Discipline Techniques**

**(A) What are the requirements for supervision for a licensed family child care provider and child care staff members?**

The family child care provider and each child care staff member shall:

- (1) Leave no child unsupervised. Supervision means the provider or child care staff member has knowledge of a child's needs and accountability for his or her care at all times. Supervision includes awareness of and responsibility for the activity of each child and being near enough to respond and reach children immediately, including responding to the child's basic needs and protecting them from harm.
- (2) Ensure all children in care are within sight or hearing of the provider or child care staff member at all times. Within sight or hearing means without the use of mechanical devices such as baby monitors, video cameras or walkie talkies. The use of mirrors to view children in another room does not meet the supervision requirements of this rule.
- (3) Not be under the influence of any substance that impairs the provider or child care staff member's ability to supervise children and/or perform duties.
- (4) Always have immediate access to a working telephone on the premises which is available and capable of making outgoing calls and receiving incoming calls.
- (5) Only release a child to the parent or to a person who has been previously approved by the parent.
- (6) Not permit children to be exposed to inappropriate language or media.
- (7) Supervise outdoor play.
  - (a) The provider or child care staff member shall remain outdoors with infants, toddlers and preschoolers at all times.
  - (b) School-age children may be permitted in the approved outdoor play space without the provider or child care staff as long as the children remain within sight and hearing of the provider or child care staff if both of the following occur:
    - (i) The children are not engaged in higher risk activities such as but not limited to swimming, activities with animals or using equipment with motors or moving parts.
    - (ii) The provider or child care staff member are always able to intervene if needed.
  - (c) When the outdoor play space is not on the premises, the provider or child care staff member shall accompany and supervise all children in transit and at the outdoor play space.

**(B) What are the requirements for supervision of school-age children?**

- (1) With written parent permission, school-age children may leave the provider's home for specific activities, including:
  - (a) Walking to and from the provider's home or school.
  - (b) Walking home or to another destination.
- (2) The written permission shall specify:
  - (a) Child's name.
  - (b) Location of the activity.

- (c) Arrangements for going to and from the activity.
- (d) Start and end time of the activity.
- (e) Time period for when the permission is given.
- (f) Parent's signature and date.

(C) What child guidance techniques shall be used in the licensed family child care home?

- (1) The provider, child care staff members and substitutes shall follow appendix A to this rule regarding guidance techniques to be used with children.
- (2) The provider shall communicate and consult with the parent prior to implementing a specific behavior management plan. This plan shall be in writing, signed by the parent and shall be consistent with the requirements of this rule.

(D) What are the child abuse and/or neglect reporting requirements?

If the provider, employee or child care staff member suspects that a child has been abused or neglected, he or she shall immediately notify the public children services agency (PCSA).

Replaces: 5101:2-13-20, 5101:2-13-21, 5101:2-13-22, 5101:2-14-20

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**FCCMTL 6**

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- (A) What are the sleep and nap requirements for a licensed family child care provider?
- (1) The family child care provider shall provide a quiet space for children who want to rest, nap or sleep, including provider's own children.
  - (2) Nap and rest time shall be in accordance with the developmental needs of the child.
  - (3) Rest or nap areas shall be lighted to allow for visual supervision of all children at all times.
  - (4) Any child who does not fall asleep during a designated nap time shall have the opportunity to engage in quiet activities.
  - (5) Evacuation routes shall not be blocked by resting or napping children. Each child shall have a free and direct means of escape, and the provider shall have a clear path to each resting child.
- (B) Where may children nap or rest at the home?
- (1) The family child care provider may assign cribs, playpens, beds, couches, cots or mats to individual children.
  - (2) An air mattress designed for overnight sleeping may be used. All manufacturer's warnings must be followed. Air mattresses designed for use as flotation devices shall not be used for napping or sleeping.
  - (3) Each couch and bed used shall have clean bed linens changed at least weekly, and more often if necessary.
  - (4) Bed linens shall be laundered before another child uses them pursuant to rule 5101:2-13-13 of the Administrative Code.
  - (5) A mat is a pad that is at least one inch thick and at least as wide and long as the child using the mat.
  - (6) A cot shall stand at least three inches and not more than eighteen inches off the floor. The cot shall be firm enough to support the child, but shall be resilient under pressure. Each cot shall be at least thirty-six inches in length and at least as long as the child assigned to the cot is tall.
  - (7) No child shall be permitted to rest, nap or sleep on the floor without a mat, pad or cot.
- (C) What are the crib and playpen requirements for a licensed family child care provider?
- (1) Unless the infant meets the requirements of paragraph (D) of this rule, each infant in attendance shall have a separate crib or playpen that meets the following requirements:
    - (a) Any crib manufactured before June 28, 2011 shall have a certificate of compliance (COC) on file. The provider may have to contact the manufacturer of the crib to receive a COC if they do not request one from the retailer when they purchase the crib.
    - (b) Cribs with a documented manufacture date after June 28, 2011 have to meet the new federal standards to be sold, so they do not require a COC. The date of manufacture must be attached to the crib.
    - (c) Cribs and playpens shall be used according to manufacturer's instructions.
    - (d) Each crib and playpen shall be of sturdy construction and have:
      - (i) Closely spaced bars with corner posts that do not exceed one sixteenth of an inch above the top of the end panel.
      - (ii) Spaces between the bars of the crib or playpen and between the bars and end panels of the crib or playpen shall not exceed two and three-eighths inches.

(iii) Playpen mesh openings shall be less than one quarter inch.

- (e) Cribs and playpens shall be used with the mattress supports in their lowest positions and the sides in the highest positions.
- (f) Each crib shall have a firm mattress that is at least one and one half inches thick.
- (g) Each playpen shall have a firm mattress or pad that does not exceed one inch in thickness.
- (h) The space between the mattress and the side or end panels of the crib or playpen shall not exceed one and one-half inches.
- (i) Each mattress shall be securely covered with a waterproof material which can be thoroughly sanitized and is not dangerous to children. The waterproof cover shall be free of rips or tears.
- (j) Each mattress shall have a properly fitted clean sheet that is changed at least weekly, when soiled and before another child uses the mattress.

(2) Stacked cribs are prohibited.

(3) Bumper pads shall not be used.

(4) Nothing shall be placed or hung over the side that obstructs the provider's view of the infant.

(5) Infants shall not be placed in cribs with bibs or any other items which could pose a strangulation or suffocation risk.

(6) No blankets shall be in the crib or playpen for infants under twelve months old. A one-piece sleeper or wearable blanket is permitted. Only children who are not yet able to roll-over are permitted to be swaddled using a wearable swaddling blanket.

(7) The cribs or playpens may be placed in storage on the premises if not currently assigned to an infant.

(8) Infants shall be placed in their cribs or playpens for sleeping, and shall not be allowed to sleep in bassinets, swings, car seats or other equipment. If a medical condition exists where a child needs to sleep in equipment other than a crib or playpen, written permission shall be obtained from a physician and shall be on file.

(9) Infants under twelve months old shall be placed on their backs to sleep unless the parent provides written authorization on the JFS 01235 "Sleep Position Waiver Statement for Child Care" (rev. 12/2016) signed by the child's physician. The JFS 01235 shall be maintained on file for review. Infants who are able to roll from back to front and front to back shall be placed initially on their back for sleeping but allowed to remain in a position they prefer.

(10) Cribs or playpens assigned to a child shall not be used for storage of toys and other materials.

(D) When shall children stop using cribs or playpens?

(1) When the child is able to climb out of the crib or playpen.

(2) When the child reaches the height of thirty-five inches.

(3) An infant twelve months or older may use a cot, pad or mat with written permission from the parent.

(4) If the use of a crib or playpen is considered hazardous for a child, regardless of age, the infant may use a cot or mat with written permission from the parent.

Replaces: 5101:2-13-19, 5101:2-13-42, 5101:2-14-19

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**FCCMTL 6**

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**(A) When is a licensed family child care provider considered to be providing evening and overnight care?**

Evening or overnight care is when children are in attendance any time between the hours of seven p.m. and six a.m.

**(B) What is required when evening and overnight care is provided?**

If the licensed family child care provider has evening or overnight care, the following are required:

- (1) The provider and/or child care staff member shall remain awake until all children are asleep. When children sleep in the evening or overnight, the provider shall have a monitoring device that ensures sight or hearing at all times.
- (2) Children under the age of five shall sleep on the same floor as the provider and/or child care staff member.
- (3) The home shall provide adequate lighting indoors in all areas, including bathrooms, hallways and sleeping rooms to ensure that children can be seen by the provider.
- (4) When parents arrive or depart after daylight hours, the provider shall assure that outdoor walkways and entrances to be used are adequately lighted for safety and security.
- (5) Children shall only sleep during evening and overnight care in areas that have been approved for sleeping.
- (6) Each child in care during evening and overnight hours shall be provided with an individual crib, playpen, cot, mattress, couch or bed in accordance with rule 5101:2-13-20 of the Administrative Code.
- (7) Bedtime routines shall be developed in consultation with the parents of the children.
- (8) The provider shall have activities before bedtime which allows for children's individual choices and needs. Activities may include meals, play, homework, relaxation, personal grooming and outdoor play during daylight hours.

**(C) What sanitary environment and additional hygiene stipulations shall be followed by the provider or child care staff member?**

The provider or child care staff member shall:

- (1) Ensure that each child who sleeps at the home for four or more hours has clean, comfortable sleeping clothes.
- (2) Assist children during washing and changing clothes according to children's developmental needs.
- (3) Separate school-age boys from school-age girls during washing and while changing clothes to ensure privacy.
- (4) Change bed linens at least weekly, when soiled and when assigned to a different child.
- (5) Ensure that each child has a clean, individual washcloth, towel and toothbrush, as appropriate for the age of the child, labeled with the child's name and stored in a sanitary manner.
- (6) Provide children access to running water, liquid soap and toothpaste.
- (7) Ensure bathtubs and showers are equipped to prevent slipping, if the home provides bathing. The provider shall also have written permission from the parent prior to allowing the child to bathe.

- (8) Ensure bath tubs and showers are cleaned and sanitized after each use. The tub or showers do not have to be sanitized between uses if the children are siblings and the parent has provided written consent. All children shall bathe separately unless the children are siblings and the parent has provided written consent that the children can be bathed together.

Replaces: 5101:2-13-23, 5101:2-14-24

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**FCCMTL 6**

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**Appendix A - Meal and Snack Requirements**

**Appendix B - Portion Sizes for Meals**

**(A) What are the requirements for meals and snacks for a licensed family child care provider?**

The family child care provider shall:

- (1) Serve varied, nutritious and appropriately timed meals and snacks as described in appendix A to this rule.
- (2) Follow the portion sizes and nutritional requirements for meals and snacks described in appendix B to this rule.
- (3) Serve food that is not a choking hazard, and that is developmentally appropriate in size, amount and texture.
- (4) Provide meals and snacks according to the posted current weekly menu, and spaced no more than four hours apart.
  - (a) The menus shall be posted in a visible place readily accessible to parents.
  - (b) The menus shall include all meals and snacks being served by the provider, any substitutions shall be noted at the time of the change.
- (5) Serve only one hundred per cent, undiluted fruit or vegetable juice. This may be used to meet the fruit or vegetable requirement for meals or snacks.
- (6) Obtain a physician's written instructions if administering a food supplement to any child or if an entire food group is eliminated. When special diets are required for cultural or religious reasons, the provider shall obtain written, dated and signed instructions from the child's parent unless the special diet is part of the provider's program.
- (7) Set its own policy regarding the accommodation of a parent's alternate diet for a child when the provider provides the meal. The provider shall assure that any alternate diet, except those required for religious, cultural or medical reasons as specified in paragraph (A)(6) of this rule, include items from each of the following categories: meat or meat alternative, grain, fruit/vegetable, dairy.
- (8) Provide for the safe storage of all food. If safe storage of milk is not available on routine trips or field trips, milk may be served at snack instead of at the meal. Potentially hazardous foods such as, but not limited to, milk, milk products, eggs, meat, poultry, fish, cooked rice, baked or boiled potatoes shall be refrigerated at a temperature at or below forty degrees Fahrenheit.
- (9) Have drinking water freely available to children throughout the day.
- (10) Ensure individual servings or individual packages of food or drink that have been served to a child be discarded or sent home with the child if not consumed during meal or snack time. Food or drink that is individually packaged and the package has not been opened may be stored at the provider's home to be served again or sent home.
- (11) Not have screens (television, computer, etc.) on during meals and snacks.

**(B) What are the requirements for serving fluid milk in a licensed family child care home?**

Unless the parent provides written instructions by a physician, physician's assistant or certified nurse practitioner (CNP), the provider:

- (1) Shall use formula or breast milk for children under twelve months of age.

- (2) Shall provide and use whole homogenized vitamin D fortified cow's milk for children twelve months of age through twenty-four months of age.
- (3) Shall provide one per cent or skim milk that is vitamin A and D fortified for children older than twenty-four months of age.
- (4) May serve breast milk at parent request to a child over twelve months of age without written instructions from a physician, physician's assistant or CNP.
- (5) May serve non-cow milk substitutions to a child over twelve months of age, with written parental consent.
- (6) Shall not use reconstituted dry powdered milk as a beverage.

(C) What are the requirements for meals and snacks when parents provide the food?

The family child care provider shall:

- (1) Have provisions for safe storage of parent provided food.
- (2) Provide all parents or guardians and staff written nutritional information regarding meeting one-third of the child's recommended daily dietary allowance. A copy of this written nutritional information shall be on file at the provider's home.
- (3) Ensure that no child goes more than four hours without at least a snack if his or her parent fails to send food for the day.

(D) What requirements shall a family child care provider implement for safe food handling?

The family child care provider shall ensure that:

- (1) Food is not served on bare tables. Food for infants may be placed directly on an individual highchair tray if the tray is removed, washed and sanitized in accordance with appendix A of rule 5101:2-13-13 of the Administrative Code.
- (2) Eating utensils and dishes are suitable for the age and developmental level of the children.

Replaces: 5101:2-13-39, 5101:2-14-21

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**FCCMTL 8**

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**Appendix A - Breast Milk Storage**

- (A) What are the requirements for infant daily care?
- (1) The licensed family child care provider shall:
    - (a) Allow infants to safely and comfortably sit, crawl, toddle, walk and play according to the infant's stage of development.
    - (b) Remove each infant from the crib, swing, infant seat, exercise seat or other equipment throughout the day for individual attention.
    - (c) Provide each non-crawling infant the opportunity for tummy time each day.
    - (d) Maintain a daily written record for each infant that is provided to the infant's parent or person picking up the infant on a daily basis. The record shall include the following information:
      - (i) Food intake.
      - (ii) Sleeping patterns.
      - (iii) Times and results of diaper changes.
      - (iv) Information about daily activities.
  - (2) Each infant shall be removed from his or her crib or playpen for all feedings. Infants shall be held or fed sitting up for bottled feedings. At no time shall a bottle be propped for an infant.
- (B) What are the requirements for infant bottle and food preparation?
- The family child care provider shall:
- (1) Prepare and serve infant food in a manner appropriate to the developmental needs of each child. The family child care provider shall introduce new foods only after consultation with the parent. The provider shall comply with written feeding instructions from the infant's parent, physician, physician's assistant or certified nurse practitioner (CNP), which shall include the following:
    - (a) Type of food and/or formula/breast milk.
    - (b) Amount of food and/or formula/breast milk.
    - (c) Feeding times or frequency of feedings.
  - (2) Require the parent to update the written feeding instructions as needed.
  - (3) Not feed any foods, other than formula or breast milk, to infants under four months of age, unless there is written documentation on file from a physician, physician's assistant or CNP.
  - (4) Ensure that formula, breast milk, or other liquids in a bottle are not heated in a microwave oven.
    - (a) If formula or breast milk is to be warmed, bottles shall be placed in a container of water not hotter than one hundred twenty degrees or be placed in a commercial bottle warmer. The container of water shall be kept out of reach of children and shall be emptied and cleaned each day. The bottle shall be shaken well, and the formula or breast milk temperature tested before feeding.
    - (b) Frozen breast milk shall be thawed under cold running water or in the refrigerator.
  - (5) Ensure that the unused portion of formula, breast milk or food remaining in a container from which the infant has been directly fed shall not be reheated or served again.

- (6) Store, prepare and serve food, formula and breast milk in a safe and clean manner.
- (7) If the provider prepares infant formula they shall do so according to the manufacturer's instructions or instructions from the infant's physician, physician assistant or CNP.
- (8) Ensure that open containers of ready-to-feed and concentrated formula shall be covered, dated and refrigerated according to the manufacturer's instructions. Prepared formula and food shall be discarded or sent home daily if not used.
- (9) Label all bottles or prepared food with the infant's name and date of preparation. All formula shall be refrigerated immediately after preparation or upon arrival if the formula is prepared by the parent. All commercially prepared food shall be stored according to manufacturer's instructions and not served after the expiration date.
- (10) Ensure that if breast milk is provided by the parent, it shall be labeled with the infant's name, the date pumped, and the date the bottle was prepared. Providers shall follow the chart in appendix A to this rule for storing breast milk.

(C) What are the requirements for diapering?

- (1) The family child care provider shall change a child's diaper immediately when wet or soiled.
- (2) Clothing shall be changed immediately when wet or soiled.
- (3) When changing diapers the provider shall comply with the following:
  - (a) The provider shall wash all soiled areas of the child's body with either a wash cloth which is then appropriately sanitized, or a disposable wipe.
  - (b) If a diaper-changing surface is used to change more than one child, the provider shall place a disposable separation material between the child and the changing surface. A different separation material shall be used for each diaper change.
  - (c) If an infant's diapers are to be changed in a crib, there shall be a separation material between the infant and the crib sheet. If the bedding becomes wet or soiled during the diaper change, it shall be replaced with clean bedding.
  - (d) If a diapering product is used on more than one child:
    - (i) The container shall not touch the child to avoid cross contamination.
    - (ii) The product shall be administered to avoid cross contamination.
  - (e) No child shall be left unattended on the diaper changing table.

~~(4) The family child care provider shall ensure that each child has a clean supply of diapers and an extra change of clothing available at all times.~~

~~(5)~~(4) The family child care provider shall store and launder soiled diapers or clothing as follows:

- (a) If soiled diapers or clothing are to be sent home with a parent, the provider shall store the diapers or clothing for no longer than one day in an individual covered container or plastic bag away from the child's belongings and out of the reach of children.
- (b) The provider shall store soiled diapers and diapering washcloths, which are to be laundered in the provider's home, in a covered container with sanitizing solution.
- (c) If soiled diapers are to be commercially laundered, the provider shall hold them for laundering pickup for no longer than seven days.
- (d) The provider shall store soiled disposable diapers in a plastic-lined covered container that prevents hand contamination and is not easily accessible to children and discard diapers daily or more frequently as needed to eliminate odor.
- (e) If the provider is laundering diapers, the provider shall follow the manufacturer's guidelines.

~~(6)~~(5) Toilet training shall occur based on a child's readiness and consultation with the parent regarding practices in the child's home. The provider shall ensure that toilet training is never forced.

Effective: 10/29/2017

Five Year Review (FYR) Dates: 12/31/2021

Certification: CERTIFIED ELECTRONICALLY

Date: 10/12/2017

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5101:2-12-24 ~~Pursuing to the Water Safety Rule of the Administrative Code, Child Care Provider shall actively supervise children and shall be able to clearly see all parts of the swimming area, including the bottom of the pool. The provider shall not serve as the life guard.~~  
**FCCMTL 6**

**Effective Date: December 31, 2016**

~~(3) The use of saunas, hot tubs and spas by children is prohibited and these items shall be inaccessible to them.~~  
**Most Current Prior Effective Date: September 1, 2007**

- (A) ~~(4) Swimming in lakes, rivers, ponds, creeks or other similar bodies of water is prohibited.~~  
~~Are on-site pools allowed to be used at a licensed family child care home?~~  
~~(5) The provider may use wading pools less than eighteen inches in wall height regardless of the amount of water put into it.~~  
~~If the family child care provider has a swimming pool located on the premises, the provider shall make the pool inaccessible to children who are in care by a fence or other physical barrier (the locked house door is not a sufficient barrier) that prevents children from accessing the water. A wading pool shall be filtered or emptied daily, and portable wading pools shall be disinfected daily or more often if needed.~~  
~~(a) For in-ground or at-ground level pool:~~  
~~(i) The provider shall supervise children at all times while a wading pool is in use and shall be able to clearly see all parts of the wading area.~~  
~~A barrier that prevents a child from going around, under or through to access the pool water and the means of access to the pool (i.e. ladder, gate to deck) is secured, locked or removed to prevent access to pool water.~~  
(C) What are the requirements for parental permission for water and swimming activities?  
(1) The provider shall have written parental permission from the parent for the following activities:  
(i) A fence that is at least four feet tall that separates the pool from the play area.  
(a) Before the child swims or plays in water eighteen inches or more in depth.  
(ii) A secure cover that meets the following standards:  
(b) Before the child participates in activities near, in or on water eighteen inches or more in depth.  
(a) Inhibits access to the pool water.  
(b) Demonstrates an opening is sufficiently small and strong enough to prevent an infant from passing through.  
(c) Before infants and toddlers use wading pools.  
(2) Written parental permission shall be on file for one year at the home. Written permission for on-going activities such as the wading pool shall be updated annually.  
(c) Is able to hold a weight of at least four hundred eighty-five pounds.  
(D) What shall be included in the written parental permission?  
(d) Has manufacture safety label attached.  
(a) Prevents water collecting on the cover surface.  
(1) Child's name and date of birth.  
(b) For an above ground or above ground level pool:  
(2) Statement indicating whether the child is a non-swimmer or capable of swimming.  
(i) A minimum of four feet walls (four feet above ground level) that are non-climbable and non-inflatable and the means of access to the pool (i.e. ladder, gate to deck) is secured, locked or removed to prevent access to pool water.  
(3) Location of the water activities or swimming site by water or eighteen or more in depth.  
(4) A statement of whether or not the provider is providing additional adults or child care staff members above the licensing ratio requirements for this activity.  
(ii) A fence that is at least four feet tall that separates the pool from the play area.  
(5) A signature and date from the parent indicating permission for the activity.  
(iii) A secure cover that meets the following standards:  
(a) Inhibits access to the pool water.  
(b) Demonstrates an opening is sufficiently small and strong enough to prevent an infant from passing through.  
(c) Is able to hold a weight of at least four hundred eighty-five pounds.  
(d) Has manufacture safety label attached.  
(e) Prevents water collecting on the cover surface.

Replaces: 5101:2-13-17, 5101:2-14-23

Effective: 12/31/2016

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Rule Amplies: 5104.017, 5104.018

~~(B) What are the requirements for swimming sites for licensed family child care?~~

~~(1) Approved off-site swimming sites shall meet all state and local guidelines for environmental health inspections. Activities in bodies of water more than eighteen inches in depth shall be supervised by people who are currently certified as lifeguards or water safety instructors by the "American Red Cross" or an equivalent water safety program, as determined by the Ohio department of job and family services (ODJFS). If the lifeguard is a child care staff member, they shall not be counted as a child care staff member in the staff/child ratio.~~



A series of horizontal lines of varying lengths and positions, resembling a barcode or a stylized text representation. The lines are black and set against a white background. They are arranged in a way that suggests a sequence of data or a specific pattern.

**FCCMTL 8**

**Effective Date: October 29, 2017**

**Most Current Prior Effective Date: December 31, 2016**

- (A) What are the requirements for prescription medications, nonprescription medicines containing codeine or aspirin, or nonprescription medication to be given longer than three consecutive days in a fourteen day period?
- (1) The family child care provider shall ensure that the parent complete and sign box one of the JFS 01217 "Request for Administration of Medication for Child Care" (rev. 12/2016).
  - (2) The family child care provider shall ensure that the instructions in box two of the JFS 01217 are completed and signed by a licensed physician, licensed dentist, advanced practice nurse or certified physician's assistant.
  - (3) If the medication is stored in the original container with prescription label that includes the child's full name, a current dispensing date within the previous twelve months, exact dosage and directions for use, box two of the JFS 01217 does not need to be completed.
- (B) What are the requirements for non-prescription medications, food supplements or medical foods?  
The family child care provider shall ~~do one of the following~~:
- (1) Ensure that the parent completes and signs box one of the JFS 01217.
  - (2) Ensure that one of the following is met:
    - ~~(1)(a) Ensure that the~~The medication or product is stored in the original container with a manufacturer's label containing directions based on the age and/or weight of the child.
    - ~~(2)(b) Ensure that the~~The instructions in box two of the JFS 01217 are completed and signed by a licensed physician, licensed dentist, advanced practice nurse or certified physician's assistant. This excludes topical preventative products and lotions unless the instructions exceed the manufacturer's instructions or use.
  - ~~(3) Ensure that the parent completes and signs box one of the JFS 01217.~~
- (C) What are the requirements for topical products and lotions?  
The family child care provider shall:
- (1) Ensure that the product is stored in the original container with manufacturer's label that includes directions based on the age and/or weight of the child.
  - (2) Ensure that the parent completes and signs box one of the JFS 01217.
  - (3) Apply the nonprescription topical products and lotions according to the manufacturer's instruction. Documentation is not required by the staff.
  - (4) A JFS 01217 is not required for hand sanitizer or lip balm.
- (D) What are the requirements for a licensed family child care home who chooses to administer medications, food supplements, medical foods or topical products in a licensed family child care home?  
The family child care provider shall:
- (1) Not administer any medication, food supplement, medical food, or topical product until the child has received the first dose or application at least once prior to the provider administering a dose or applying the product, to avoid unexpected reactions. Emergency medications that are listed on a completed JFS 01236 "Child Medical/Physical Care Plan for Child Care" (rev. 12/2016) for the child are exempt from this requirement.

- (2) Not administer any medication, food supplement, medical food or topical product for any period of time beyond the date indicated by the physician, physician's assistant, advanced practice nurse certified to prescribe medication, or licensed dentist, on the prescription label, for twelve months from the date of the form, or after the expiration date on the medication, whichever comes first.
- (3) Document each administration or application on the JFS 01217 immediately after administering. This excludes items in paragraph (C)(3) of this rule.
- (4) Nonprescription medication dosages administered shall not exceed prescribed dosages or the manufacturer's recommended dosages.
- (5) A separate JFS 01217 shall be used for each medication, food supplement, medical food or topical product to be administered for each child.
- (6) Each JFS 01217 is valid for the time period listed on the form, not to exceed twelve months from the date of signature.
- (7) Retain each JFS 01217 on file at the home for at least one year following the last administration of the medication or product.

(E) What are the requirements for storing medication, food supplements and medical foods in a licensed family child care home?

The family child care provider shall:

- (1) Safely store all medication, food supplements, and medical foods immediately upon arrival at the home. Ensure the medication or product is in the original container with the child's name affixed.
- (2) Keep medication and products out of the reach of children, unless a school-age child is permitted to carry their own emergency medication and a JFS 01236 is completed and on file at the home.
- (3) School-age children are permitted to carry and use their own topical products.
- (4) Refrigerate in a separate container, medications or products immediately upon arrival at the home if needed.
- (5) Ensure that medications and products are accessible to child care staff members at all times.
- (6) Ensure that medications and products are removed from the home when no longer needed or expired.

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**FCCMTL 7**

**Effective Date: October 29, 2017**

**Most Current Prior Effective Date: December 31, 2016**

- (A) What are the responsibilities of the county agency staff for ~~licensing~~licensed family child care providers?
- (1) The county agency shall comply with all requirements set forth in Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.
  - (2) The county agency shall train anyone employed by the county agency to inspect or investigate licensed family child care homes using the curriculum provided by the Ohio department of job and family services (ODJFS).
    - (a) The training shall be documented using the form included with the curriculum. Documentation shall be maintained on file at the county agency. The documentation shall remain on file for at least three years after the person is no longer conducting inspections or investigations of licensed family child care homes.
    - (b) The training shall be completed prior to the person conducting inspections or investigations.
    - (c) If the curriculum is revised, the county agency shall document that anyone conducting inspections or investigations has reviewed the revised materials or has completed the training again.
- ~~(B) What are the on-going county agency review requirements for licensed family child care providers?~~
- ~~(1) The county agency shall review the following for all individuals and timeframes required in rule 5101:2-13-09 of the Administrative Code:~~
- ~~(a) Bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) criminal records checks.~~
- ~~(b) JFS 01328 "Statement of Nonconviction for Child Care" (rev. 12/2016).~~
- ~~(c) JFS 01302 "Request for Child Abuse and Neglect Report Information" (rev. 12/2016).~~
- ~~(2) If the county agency determines that any of the criminal records checks indicate a prohibitive offense as defined in paragraph (D) of rule 5101:2-13-09 of the Administrative Code, the county agency shall determine if the individual meets rehabilitation standards as detailed in appendix A to rule 5101:2-13-09 of the Administrative Code.~~
- ~~(3) The county agency shall use the JFS 01527 "Notification of Criminal Records Checks and Child Abuse and Neglect Checks" (rev. 12/2016) to notify the provider of the results of each review required in paragraph (B)(1) of this rule for employees, child care staff members and substitutes.~~
- ~~(C)~~(B) What documentation shall be maintained by the county and what can be shared?
- (1) The county agency shall enter all child care licensing information required in the Ohio child licensing and quality system (OCLQS).
    - (a) Full inspections within seven business days of inspection.
    - (b) Revised inspections within seven business days of revision.
    - (c) Complaint intake data within five business days of receipt of complaint.
    - (d) Complaint inspections within seven business days of inspection.
    - (e) Review of compliance materials within twenty business days of submission.

- (2) The county agency shall maintain a case file on all licensed family child care providers. The following certification and licensing documents shall be included in each provider's file using the following retention schedule:
- (a) The initial application and all supporting documentation (for life of license), unless the information is in OCLQS.
  - ~~(b) For all individuals required by rule 5101:2-13-09 of the Administrative Code:~~
    - ~~(i) Results of any criminal records checks and completion of rehabilitation standards, if applicable (retain the most recent checks and rehabilitation standards), not documented in OCLQS.~~
    - ~~(ii) JFS 01328 as required by rule 5101:2-13-09 of the Administrative Code (for five years from the date of the signature).~~
    - ~~(iii) Results of the JFS 01302 (for five years from the date of the check).~~
  - ~~(c)~~(b) Inspection reports not documented in OCLQS (for five years from the date of the report).
  - ~~(d)~~(c) All correspondence with the family child care provider or regarding the license (for five years from the date of the correspondence).
  - ~~(e)~~(d) Compliance materials (for five years from the date of the materials).
  - ~~(f)~~(e) Copies of all written notices to the provider (for five years from the date of the notices).
- (3) ~~The county agency shall maintain the following certification and licensing documents in the family child care provider's file for each employee, child care staff member and substitute using the following retention schedule:~~
- ~~(a) Results of the criminal records checks and completion of rehabilitation standards required by rule 5101:2-13-09 of the Administrative Code (retain the most recent checks and rehabilitation standards).~~
  - ~~(b) JFS 01328 as required by rule 5101:2-13-09 of the Administrative Code (for five years from the date of the signature).~~
  - ~~(c) Results of the JFS 01302 as required by rule 5101:2-13-09 of the Administrative Code (for five years from the date of the check).~~
- ~~(4)~~(3) The files required in ~~paragraphs (C)(2) and (C)(3)~~paragraph (B)(2) of this rule shall be maintained according to the retention schedule for all open licenses. If a license is closed or revoked, the county agency shall maintain the provider file for two years after the date the license is closed or revoked.
- ~~(5)~~(4) The county agency shall not disseminate the following confidential information:
- ~~(a) Child abuse and neglect investigative records, pursuant to sections 5101.131 and 2151.421 of the Revised Code and rule 5101:2-33-21 of the Administrative Code.~~
  - ~~(b)~~(a) The identity of an information source or witness to whom confidentiality has been reasonably promised, or the identity of a complainant for whom confidentiality is required.
  - ~~(c)~~(b) Any information, when such information would disclose the identity of one to whom such confidentiality has been reasonably promised.
  - ~~(d) Results of any criminal records check on an applicant, provider, adult residing in the licensed family child care provider's home, employee or substitute, except that these records are available to the person who is the subject of the criminal records check, his or her representative and any court, hearing officer or other necessary individual involved in a case dealing with denial or revocation of licensure related to the criminal records check.~~
  - ~~(e) The disposition of any investigation requested by a county agency from the PCSA concerning reports of child abuse or neglect on an applicant, provider, adult residing in~~

~~the family child care home, employee, and child care staff member. The county agency shall not provide to the person who is the subject of the records check any information that identifies the person who made the report, statements of witnesses or police or other investigative reports.~~

~~(f)~~(c) Provider medical records pertaining to the medical history, diagnosis, prognosis or medical condition of the provider, which are generated and maintained in the process of medical treatment, except as authorized by section 1347.08 of the Revised Code if requested by the subject of the report.

~~(6)~~(5) As needed, the county agency shall share information with the PCSA or a law enforcement agency concerning an investigation of alleged child abuse or neglect or criminal activity.

~~(7)~~(6) A provider shall have the right to access, review and make copies of any information in the county agency or ODJFS files of the provider, except information prohibited by state or federal law. The provider may be accompanied by a representative or other legal representation for this purpose and/or may authorize a legal representative to access such information.

~~(8)~~(7) The county agency is responsible for sharing all provider, client and fiscal information with ODJFS during the course of a monitoring review of its licensing program or if ODJFS is investigating a complaint involving the county agency.

~~(9)~~(8) ODJFS shall have access to all information in the provider's file.

~~(D)~~(C) May the county agency have additional requirements that exceed the family child care licensing standards in Chapter 5101:2-13 of the Administrative Code?

(1) The county agency shall not have additional requirements for licensing family child care providers.

(2) Any additional requirements approved prior to the effective date of this rule shall no longer be permitted.

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# Child Care Manual Appendix

All forms are maintained in the Child Care Manual.

[Child Care Forms](#)

### **Required Documents During the Application Process**

The following documents shall be submitted at the time of application for a licensed family child care provider.

- Verification of completion of a high school education, a high school diploma or general education development (GED), as required in 5101:2-13-07 of the Administrative Code.
- A medical statement for the family child care provider applicant that meets the requirements detailed in appendix B to this rule.
- JFS 01250 "Plan of Operation for Child Care" (rev. 12/2016) and any necessary attachments.
- Written information for parents and employees as required in rule 5101:2-13-07.
- JFS 01174 "Adjudicated a Delinquent Child Statement" (rev. 10/2017).
- Documentation of building inspection by local building department, for type A home providers.
- Fire inspection approval by the state fire marshal or local fire safety inspector, for type A home providers.
- JFS 00598 "Owner's Authorized Representative/Partnership Form for Child Care" (rev. 10/2015), for type A home providers.
- Articles of incorporation, if applicable, for type A home providers.
- Written zoning approval, for type A home providers.

The following documents shall be available for review at the time of the first pre-licensing visit.

- Verification of the family child care provider and child care staff members are current in all health and safety trainings required by rule 5101:2-13-10 of the Administrative Code.
- A medical statement for child care staff members in the family child care home.

Note: Fingerprints for the bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) criminal records checks for the provider and any resident of the home age 18 or older shall be requested at time of application in accordance with rule 5101:2-13-09 of the Administrative Code. The JFS 01175 "Request for a Background Check for Child Care" (10/2017) or the OPR system generated equivalent shall be submitted pursuant to rule 5101:2-12-09 of the Administrative Code.



**Medical Statement Requirements for Family Child Care Providers, Employees, Child Care Staff Members and Substitutes in a Licensed Family Child Care Home**

The following shall be contained in a medical statement:

- The date of the examination (must be within the previous twelve months).
- The signature, business address, telephone number of the licensed physician, physician's assistant, advanced practice registered nurse, certified nurse midwife or certified nurse practitioner who completed the examination.
- A statement that verifies the person is:
  - Physically fit for employment in a family child care home caring for children.
  - Immunized against measles, mumps and rubella (MMR), except that for persons born on or before December 31, 1956, a history of measles or mumps disease may be substituted for the vaccine. A history of rubella disease shall not be substituted for rubella vaccine. Only a laboratory test demonstrating detectable rubella antibodies shall be accepted in lieu of rubella vaccine.
  - Immunized against tetanus and diphtheria. At the time the next booster for tetanus and diphtheria is due, the employee shall also be immunized against pertussis (Tdap). As of January 1, 2018, everyone shall have on file written verification of being immunized against pertussis from a licensed physician, physician's assistant, advanced practice registered nurse, certified nurse midwife or certified nurse practitioner.
  - The person may be exempt from the immunization requirement for religious reasons upon filing a written request with the provider, and for medical reasons upon filing a written request signed by a licensed physician.
- An additional report or examination by a licensed physician or mental health professional may be required when there is concern about a person's ability to perform required duties.

### Serious Risk Non-compliances and Point Values for Family Child Care

<b>All non-compliances not identified as a moderate risk or serious risk below are considered low-risk and are valued as 1 point.</b>
<b>5101:2-13-03 Compliance inspection and complaint investigation of a licensed family child care provider</b> <b>Serious Risk Non-Compliance (6 Points)</b> <ul style="list-style-type: none"> <li>• Provider, resident, child care staff member or employee refuses ODJFS or county agency access to program.</li> <li>• Provider falsifies information to ODJFS or county agency.</li> </ul>
<b>5101:2-13-04 Building department inspection and fire inspection for a licensed family child care provider</b> <b>Moderate Risk Non-Compliance (3 Points)</b> <ul style="list-style-type: none"> <li>• Home cares for children on unapproved floor.</li> <li>• Home exceeds room/building occupancies. (Type A only)</li> <li>• Home fails to obtain building approval for rooms used. (Type A only)</li> <li>• Home cares for children in room not approved for age group. (Type A only)</li> <li>• Fire Approval – Unable to obtain approval due to violations or update not requested at least 30 days prior to expiration. (Type A only)</li> <li>• Flammable or combustible materials and substances are store neared heaters, furnaces, water heaters or gas appliances. (Type B only).</li> <li>• The home’s primary or alternate escape route is blocked or inaccessible. (Type B only).</li> </ul>
<b>5101:2-13-08 Employees, child care staff members and substitute responsibilities and qualifications for a licensed family child care provider</b> <b>Serious Risk Non-Compliance (6 points)</b> <ul style="list-style-type: none"> <li>• Required child abuse and neglect check not completed/updated.</li> <li>• Unsatisfactory child abuse and neglect check and remains employed.</li> </ul>
<b>5101:2-13-09 Background check requirements for a licensed family child care provider</b> <b>Moderate Risk Non-Compliance (3 Points)</b> <ul style="list-style-type: none"> <li>• Information for background checks not submitted (JFS 01175 or fingerprints).</li> <li>• Resident of home turns 18 or moves into home and information for background checks not submitted.</li> <li>• Child care staff member left alone with children and JFS 01176 is not on file.</li> <li>• Background checks are expired and not updated.</li> </ul> <b>Serious Risk Non-Compliance (6 Points)</b> <ul style="list-style-type: none"> <li>• Provider, resident, employee or child care staff member is not eligible for employment or residency and remains employed or in the home.</li> <li>• Resident or employee or child care staff member refuses to submit information for a background check.</li> </ul>
<b>5101:2-13-11 Indoor and outdoor space requirements for a licensed family child care provider</b> <b>Moderate Risk Non-Compliance (3 Points)</b> <ul style="list-style-type: none"> <li>• "S" hooks not closed appropriately.</li> <li>• Equipment and/or ropes not securely anchored.</li> <li>• Entrapment hazards exist.</li> <li>• Protective surfacing is inadequate or missing under climbing equipment.</li> <li>• Fence or barrier missing or inadequate.</li> <li>• Unsafe route used to off-site space.</li> </ul>
<b>5101:2-13-12 Safe equipment and environment for a licensed family child care provider</b> <b>Moderate Risk Non-Compliance (3 Points)</b> <ul style="list-style-type: none"> <li>• Chemicals accessible to children.</li> <li>• Unsafe equipment accessible to children (lawnmowers, power tools accessible, etc.).</li> <li>• Children not protected from unsafe items, conditions or situations.</li> <li>• No mats under indoor climbing equipment.</li> <li>• Home does not have required or working carbon monoxide detector</li> </ul>

**Serious Risk Non-Compliance (6 Points)**

- Firearms, weapons or ammunition are not secure and there's no valid exemption or are carried by someone with a valid exemption but are accessible to children.
- Illegal drugs on premises or alcohol in area used for child care.

**5101:2-13-14 Transportation and field trip safety for a licensed family child care provider****Moderate Risk Non-Compliance (3 Points)**

- Driving a vehicle w/o correcting the noted violations.
- Not using required seat belts and/or car seats.
- More than one child in a seat belt.
- Children sitting on floor or standing in moving vehicle.
- Child under 12 in the front seat.
- Child's JFS 01236 not available on trip.
- Supplies required by child's JFS 01236 not available on trip.
- Vehicle type not permitted to be used.

**Serious Risk Non-Compliance (6 Points)**

- Child left unattended on a field trip or in a vehicle.
- Driver not 18 years old.
- Driver is not appropriately licensed, has a suspended license or has a license that expired more than 6 months ago.
- Driver is under the influence of drugs or alcohol.

**5101:2-13-15 Child record requirements for a licensed family child care provider****Moderate Risk Non-Compliance (3 Points)**

- JFS 01236 not on file.
- JFS 01236 missing information and/or signatures.
- No trained staff on-site when child is present or on field trip with child.
- JFS 1236 not implemented or followed.
- Non-trained staff performed procedure on child.

**5101:2-13-18 Group size and ratios for a licensed family child care provider.****Moderate Risk Non-Compliance (3 Points)**

- Program is out of ratio.
- Program exceeds license capacity.

**5101:2-13-19 Supervision of children and child guidance for a licensed family child care provider****Moderate Risk Non-Compliance (3 Points)**

- Child left unattended.
- Child care staff member uses prohibited disciplinary techniques.
- Staff under the influence of a substance which impairs their ability to supervise.

**Serious Risk Non-Compliance (6 Points)**

- Child unattended off-site or during a swimming activity.
- Child unattended outside (not school-age).
- Provider fails to report suspected abuse/neglect/endangerment.
- Provider uses prohibited disciplinary techniques.
- Physical abuse/neglect/endangerment by any child care staff member, employee, resident or provider.
- Substantiated public children's services agency finding of abuse or neglect by any child care staff member, employee, resident or provider.
- Child(ren) not protected from harm which resulted in a serious incident or injury.

**5101:2-13-20 Sleeping and napping requirements for a licensed family child care provider****Moderate Risk Non-Compliance (3 Points)**

- Child placed in crib or playpen with object which poses suffocation/strangulation risk (item tied around neck, blankets, pillows, boppies, bumper pads, etc.).
- Stacked cribs are used.

- Cribs or playpens do not meet size requirements.
- Cribs or playpens are unstable.
- Cribs do not meet the Consumer Product Safety Commission standards.
- JFS 01235 sleep position waiver needed but not on file.

**5101:2-13-21 Evening and overnight care for a licensed family child care provider**

**Moderate Risk Non-Compliance (3 Points)**

- Provider or child care staff member are asleep before all children are asleep.
- Children under 5 are not on the same floor as the provider or child care staff member.
- Children asleep on unapproved floor of building.

**5101:2-13-23 Infant care and diaper care for a licensed family child care provider**

**Moderate Risk Non-Compliance (3 Points)**

- Breast milk given to wrong child.
- Container used for heating bottles was accessible to children.

**5101:2-13-24 Swimming and water safety requirements for a licensed family child care provider**

**Serious Risk Non-Compliance (6 Points)**

- No life guard present during water activity.
- Staff not actively supervising.
- Life guard is used to meet ratio.
- Swimming site accessible to children without staff supervision.
- Children are swimming in lakes, ponds, rivers, etc.

**5101:2-13-25 Medication administration, food supplements and medical foods for a licensed family child care provider**

**Moderate Risk Non-Compliance (3 Points)**

- Medication form not on file or missing information.
- No label on prescription medication.
- Medication not in original container.
- Medication accessible to children.
- Medication instructions not followed.
- The wrong dosage was administered to child.

**Serious Risk Non-Compliance (6 Points)**

- Medication was administered to the wrong child.

**5101:2-13-12 Safe equipment and environment for a licensed family child care provider****Moderate Risk Non-Compliance (3 Points)**

- Chemicals accessible to children.
- Unsafe equipment accessible to children (lawnmowers, power tools accessible, etc.).
- Children not protected from unsafe items, conditions or situations.
- Space heaters used without approval.
- No mats under indoor climbing equipment.
- Home does not have required or working carbon monoxide detector

**Serious Risk Non-Compliance (6 Points)**

- Firearms and weapons are not secured and/or separate from ammunition.
- Illegal drugs on premises or alcohol in area used for child care.

**5101:2-13-14 Transportation and field trip safety for a licensed family child care provider****Moderate Risk Non-Compliance (3 Points)**

- Driving a vehicle w/o correcting the noted violations.
- Exiting/entering vehicle not from the curb.
- Not using required seat belts and/or car seats.
- More than one child in a seat belt.
- Children sitting on floor or standing in moving vehicle.
- Child under 12 in the front seat.
- Child's JFS 01236 not available on trip.
- Supplies required by child's JFS 01236 not available on trip.
- Vehicle purchased after 2008 or provider licensed after 2008, type not permitted to be used. (Type A only)
- Vehicle purchased after 2016 or provider licensed after 2016, type not permitted to be used. (Type B only)

**Serious Risk Non-Compliance (6 Points)**

- Child left unattended on a field trip or in a vehicle.
- Driver not 18 years old.
- Driver is not appropriately licensed, has a suspended license or has a license that expired more than 6 months ago.
- Driver is under the influence of drugs or alcohol.

**5101:2-13-15 Child record requirements for a licensed family child care provider****Moderate Risk Non-Compliance (3 Points)**

- JFS 01236 not on file.
- JFS 01236 missing information and/or signatures.
- No trained staff on-site when child is present or on field trip with child.
- JFS 1236 not implemented or followed.
- Non-trained staff performed procedure on child.

**5101:2-13-18 Group size and ratios for a licensed family child care provider.****Moderate Risk Non-Compliance (3 Points)**

- Program is out of ratio.
- Program exceeds license capacity.

**5101:2-13-19 Supervision of children and child guidance for a licensed family child care provider****Moderate Risk Non-Compliance (3 Points)**

- Child left unattended.
- Child care staff member uses prohibited disciplinary techniques.
- Staff under the influence of a substance which impairs their ability to supervise.

**Serious Risk Non-Compliance (6 Points)**

- Child unattended off-site or during a swimming activity.
- Child unattended outside (not school-age).
- Provider fails to report suspected abuse/neglect/endangerment.
- Provider uses prohibited disciplinary techniques.
- Physical abuse/neglect/endangerment by any child care staff member, employee, resident or provider.

- Substantiated public children's services agency finding of abuse or neglect by any child care staff member, employee, resident or provider.
- Child(ren) not protected from harm which resulted in a serious incident or injury.

**5101:2-13-20 Sleeping and napping requirements for a licensed family child care provider**

**Moderate Risk Non-Compliance (3 Points)**

- Child placed in crib with object which poses suffocation/strangulation risk (item tied around neck, blankets, pillows, boppies, bumper pads, etc.).
- Stacked cribs are used.
- Cribs do not meet size requirements.
- Cribs are unstable.
- Cribs do not meet the Consumer Product Safety Commission standards.
- JFS 01235 sleep position waiver needed but not on file.

**5101:2-13-21 Evening and overnight care for a licensed family child care provider**

**Moderate Risk Non-Compliance (3 Points)**

- Provider or child care staff member are asleep before all children are asleep.
- Children under 5 are not on the same floor as the provider or child care staff member.
- Children asleep on unapproved floor of building.

**5101:2-13-23 Infant care and diaper care for a licensed family child care provider**

**Moderate Risk Non-Compliance (3 Points)**

- Breast milk given to wrong child.
- Container used for heating bottles was accessible to children.

**5101:2-13-24 Swimming and water safety requirements for a licensed family child care provider**

**Serious Risk Non-Compliance (6 Points)**

- No life guard present during water activity.
- Staff not actively supervising.
- Life guard is used to meet ratio.
- Swimming site accessible to children without staff supervision.
- Children are swimming in lakes, ponds, rivers, etc.

**5101:2-13-25 Medication administration, food supplements and medical foods for a licensed family child care provider**

**Moderate Risk Non-Compliance (3 Points)**

- Medication form not on file or missing information.
- No label on prescription medication.
- Medication not in original container.
- Medication accessible to children.
- Medication instructions not followed.
- The wrong dosage was administered to child.

**Serious Risk Non-Compliance (6 Points)**

- Medication was administered to the wrong child.

## Appendix A to Rule 5101:2-13-04

**Fire Safety Requirements for a Licensed Type B Home Provider**Emergency Exit and Operational Conditions

(1) All levels used for child care shall have a primary escape route which provides a safe exit to the outside of the home. If the level is above or below ground level, the primary escape route shall be an interior stairway or an exterior stairway.

(2) In addition to the primary escape route, each level used for child care, including for napping and sleeping purposes, shall have an alternate means of escape. The alternate escape route shall not use the same stairway as the primary escape route. This alternate escape route shall include either of the following:

- A door or stairway providing an unobstructed exit to the outside of the home at ground level.
- A window at least twenty inches in width that opens without the use of tools to the outside. The interior window opening shall be at least 5.7 square feet in area. If the window is more than forty-four inches above the floor, there shall be a platform or stairs under the window. The platform or stairs shall be firmly attached to the floor or wall.

(3) Type B home providers who are certified or licensed after September 1, 2008 shall not use any room or space higher than the second floor of the home for child care.

(4) No room or space that is accessible only by a ladder, folding stairs, or through a trapdoor shall be used for child care.

(5) All stairways shall have lighting so that each step can be clearly seen while going up and down the stairs. There shall be a hand rail on at least one side if there are four or more stairs.

(6) All hallways, corridors, ramps and passageways leading to an exit shall be adequately lighted by natural or artificial light using at least a 60 watt light bulb or comparable compact fluorescent light (CFL) bulb.

(7) Doorways, corridors, and stairways which are part of the primary or alternate escape route shall be kept clear of obstructions such as toys, clothing, snow, ice, accumulated trash and assorted debris.

## Appendix B to Rule 5101:2-13-04

**Flammable and Combustible Material Storage for a Type B Home Provider**

1. No gasoline, kerosene, propane or other fuels shall be stored in the licensed type B home.
2. Flammable and combustible materials and substances shall be:
  - Stored in their original containers.
  - Kept in closed storage.
  - Stored out of the reach of children.
  - Stored away from heaters, furnaces, water heaters and gas appliances.
3. Flammable and combustible materials and substances shall not be stored below the first floor.



### **Verification of High School Education**

Verification of a high school education shall be one of the following:

1. A copy of a high school diploma recognized by the state board of education or the appropriate agency of another state or country as equivalent to the completion of a high school education.
2. A copy of other written documentation verifying high school completion or equivalency, such as the Ohio high school equivalence diploma (GED).
3. A copy of the degree or transcript verifying completion of an associate's degree or higher from an accredited college, university or technical college.
4. For the home schooled student, a letter from the state or local board of education stating that the curriculum for the course of home study taken by the provider meets the required standards for high school completion.
5. If the person does not have a copy of his or her high school diploma because of being a refugee, he or she may submit both of the following instead:
  - a. Documentation from the federal government that the person was admitted to the United States of America as a refugee.
  - b. A notarized statement that the person received a high school diploma (or equivalent) in his or her home country prior to being admitted to the United States as a refugee.

## Appendix B to Rule 5101:2-13-07

**Education and Training Requirements for Family Child Care Providers**

A family child care provider shall have one of the following:

1. At least thirty clock hours of documented training in early childhood education or related field.
2. Two years of college training verified by a transcript including two courses in child development. Two years of training shall be sixty semester or ninety quarter hours from an accredited college, university or technical college. Two courses shall be six semester hours or nine quarter hours from an accredited college, university or technical college.
3. A currently valid child development associate (CDA) credential issued by the national child development associate credentialing commission. In order to remain as the licensed provider, the CDA credential must be currently valid. Additional information on the CDA process may be obtained at <http://www.cdacouncil.org/>.
4. Completion of a two year vocational child care training program approved by the state board of education verified by a transcript or diploma.
5. A pre-kindergarten associate certificate that is issued by the state board of education.
6. A Montessori preprimary/early childhood credential from the American Montessori society, association of Montessori international, national center for Montessori education, or other Montessori program accredited by the Montessori accreditation council for teacher education.
7. At least twelve months experience in caring for children twelve years or younger. Parenthood may be used to meet this requirement.
8. Designation as a career pathways level one.

**Written Information for Parents and Employees**

Written information shall be developed and provided to parents and employees that include policies and procedures of the family child care home containing, at a minimum, the following:

**General Information**

1. Name, address, email address and telephone number.
2. Description of the provider's program philosophy.
3. Days and hours of operation, scheduled closings and basic daily schedule.
4. Staff/child ratios and group size.
5. Meals and snacks provided.
6. Outdoor play, including limitations placed on outdoor play due to weather or safety issues. Considerations may include but are not limited to temperature, humidity, wind chill, ozone levels, pollen count, lightning, rain or ice.
7. Opportunities for parent involvement in activities.
8. Opportunities for parents to meet with the provider regarding their child.
9. Payment schedule, overtime charges and registration fees as applicable.
10. Programs shall have a policy in place describing supports for onsite breastfeeding or pumping for mothers who wish to do so (if the program serves infants or toddlers).

**Policies and Procedures**

1. Enrollment including required enrollment information.
2. Care of children without immunizations.
3. Attendance including procedures for arrival and departure, the program's absent day policy, releasing child to people other than the parent, releasing a child according to a custody agreement and follow up when a child scheduled to arrive from another program or activity does not arrive.
4. Supervision and child guidance.
5. Parent provided food and provider dietary policy, if applicable. If all of the food is parent provided, the policy shall also include if the provider supplements food when the parent does not provide sufficient food for the day.
6. Management of illness including isolation precautions, symptoms for discharge and return, notification of parent of ill child and whether or not the provider will care for sick children.
7. Summary of procedures taken in the event of an emergency, serious illness or injury.
8. Administration of medication including food supplements, modified diets and whether school age children are permitted to carry their own medication and ointments.
9. Transportation for trips and emergencies.
10. Water activities/swimming.
11. Infant care, if applicable, including frequency of diaper checks.
12. Napping and Resting.
13. Evening and overnight care, if applicable.
14. Policy on operation and/or closing due to weather, school delays or closings and any other factors.
15. Policy on the provider using a substitute or child care staff member pursuant to 5101:2-13-08 of the Administrative Code for sick days, vacations or other time off.
16. Policy on when the provider will require disenrollment of a child
17. Procedure for parents or employees to follow when needing assistance in resolving problems related to the family child care home.
18. Policy on whether or not the provider will provide child care services to children whose parents refuse to grant consent for transportation to the source of emergency treatment.
19. Policy on whether the program conducts formal assessments on enrolled children and if the

Appendix C to Rule 5101:2-13-07

program reports child level data to ODJFS pursuant to 5101:2-17-02 of the Administrative Code.

### Family Child Care Parent Information

The provider is licensed to operate legally by the Ohio Department of Job and Family Services. This license is posted in a noticeable place for review.

A toll-free telephone number is listed on the provider's license and may be used to report a suspected violation of the licensing law or administrative rules. The licensing rules governing child care are available for review at the home.

Any parent of a child enrolled in the home shall be permitted unlimited access to the home during all hours of operation for the purpose of contacting their children, evaluating the care provided or evaluating the premises. Upon entering the premises, the parent, or guardian shall notify the provider of his/her presence.

The provider's hours of availability are posted in a noticeable place in the home for review.

The licensing record, including licensing inspection reports, complaint investigation reports and evaluation forms from the building and fire departments (Type A Homes only), is available for review upon written request from the county agency.

~~The provider will accept only those placements that suit the provider's abilities and the physical environment of the home, but not discriminate in providing child care services to children upon the basis of handicap, race, color, religion, sex or national origin.~~ It is unlawful for the family child care provider to discriminate in the enrollment of children upon the basis of race, color, religion, sex, disability, or national origin or in violation of the Americans with Disabilities Act of 1990, 104 Stat. 32, 42 U.S.C. 12101 et seq.

For more information about child care licensing requirements as well as how to apply for child care assistance, Medicaid health screenings and early intervention services for your child, please visit <http://jfs.ohio.gov/cdc/families.stm>.

## Appendix A to Rule 5101:2-13-08

### **Family Child Care Staff Member**

An individual who is interested in becoming a child care staff member in a family child care home shall meet the following requirements prior to caring for children:

1. Be at least eighteen years of age.
2. Provide verification of a high school education, a high school diploma or general educational development (GED) in accordance with the guidelines in appendix A of rule 5101:2-13-07 of the Administrative Code.
3. Provide a medical statement that meets the requirements detailed in appendix B to rule 5101:2-13-02.
4. Meet the eligibility for employment criteria based on the background check requirements pursuant to rule 5101:2-13-09 of the Administrative Code.
5. Provide a safe and healthy environment when children are present.
6. Ensure that any individuals whose behavior or health endangers the health, safety and well-being of children are not present while child care is being provided by the child care staff member.

## Appendix B to Rule 5101:2-13-08

### **Substitute Requirements**

A substitute shall meet the following requirements prior to caring for children:

1. Be at least eighteen years of age.
2. Provide verification of a high school education, a high school diploma or general educational development (GED) in accordance with the guidelines in appendix A of rule 5101:2-13-07 of the Administrative Code.
3. Meet the eligibility for employment criteria based on the background check requirements pursuant to rule 5101:2-13-09 of the Administrative Code.
4. Provide a medical statement that meets the requirements detailed in appendix B to rule 5101:2-13-02.
5. Provide a safe and healthy environment when children are present.
6. Ensure that any individuals whose behavior or health endangers the health, safety and well-being of children are not present while child care is being provided by the substitute.

**Standards for Rehabilitation**

An applicant, employee, child care staff member, resident, owner or administrator of a licensed family care home who has a prohibited offense shall meet the following standards for rehabilitation:

1. If the offense was a misdemeanor:
  - a. At least three years have elapsed from the date the individual was fully discharged for imprisonment, probation or parole, unless the records were sealed.
  - b. All fines imposed by the court as part of the sentence have been paid in full.
2. If the offense was a felony:
  - a. At least 10 years have elapsed since the individual was fully discharged from imprisonment, probation or parole, unless the records were sealed.
  - b. All fines imposed by the court as part of the sentence have been paid in full.
  - c. The felony was not one of the following:

R.C. 2903.01 – Aggravated Murder

R.C. 2903.02 – Murder

R.C. 2903.11 – Felonious Assault

R.C. 2903.12 – Aggravated Assault

R.C. 2903.13 – Assault

R.C. 2905.01 – Kidnapping

R.C. 2907.02 – Rape

R.C. 2907.03 – Sexual Battery

R.C. 2907.12 – Felonious Sexual Penetration (as this former section of law existed)

R.C. 2907.321 – Pandering Obscenity Involving a Minor

R.C. 2907.322 – Pandering Sexually Oriented Matter Involving a Minor

R.C. 2907.323 – Illegal Use of a Minor in Nudity-Oriented Material of Performance

R.C. 2909.02 – Aggravated Arson

R.C. 2909.03 – Arson

R.C. 2919.22 – Endangering Children

R.C. 2919.25 – Domestic Violence

Or an existing or former offense of any municipal corporation, this state, or any other state, or the United States that is substantially equivalent to any of these offenses.

3. The victim of the offense (misdemeanor or felony) was not one of the following:
  - a. Under 18 years of age.
  - b. Functionally impaired as defined in section 2903.10 of the Revised Code.
  - c. Intellectually disabled or developmentally disabled as defined in section 5123.01 of the Revised Code.
  - d. Mentally ill as defined in section 5122.01 of the Revised Code.
  - e. 60 years of age or older.
4. The following additional factors shall also be considered:
  - a. The age of the person at the time of the offense.
  - b. The nature and seriousness of the offense.
  - c. The time elapsed since discharge from imprisonment, probation or parole.
  - d. Whether the person is a repeat offender.



## Appendix A to Rule 5101:2-13-10

**Health Training Courses**Course Content for First Aid

1. Follows guidelines, including length of training time, and curriculum designed for child care staff by an Ohio Department of Job and Family Services (ODJFS) approved health organization.
2. May include cardiopulmonary resuscitation (CPR) training.
3. Is valid for the number of years indicated on a card or form provided by the approved health organization.
4. May be updated by completion of a three-hour review course covering the same topics or completion of the full course.

Course Content for CPR

1. Follows guidelines, including length of training time, and curriculum designed by an ODJFS approved health organization.
2. Is appropriate for all age groups the provider is currently serving.
3. Is valid for the number of years as indicated on a card or form provided by the approved health organization.

Course Content for Management of Communicable Disease

1. Follows guidelines and curriculum designed for child care staff by an ODJFS approved health organization or is at least six hours in length and follows the ODJFS/ODH curriculum.
2. Is valid for three years.
3. May be updated by completing a three-hour review course covering the same topics to meet annual training requirements.

Course Content for the Six-Hour Child Abuse Recognition and Prevention

1. Is valid for three years.
2. May be updated by completing the three-hour review course.
3. Covers all of the following topics:
  - Ohio law and rules pertaining to child abuse and neglect, including definitions, reporting and confidentiality requirements and the requirement to report suspected abuse or neglect by child care staff members if observed or suspected.
  - Physical and behavioral indicators of child abuse and neglect.
  - Details on reporting, including penalty, immunity and how and to whom to report.
  - The investigatory role of the children's protective services agency.
  - The sharing of information and the role of law enforcement, licensing and the courts in reports of child abuse and neglect.
  - Helping families who have occurrences of abuse or neglect.
  - Prevention of child abuse and neglect in the center, including: staff supervision and training, policies and procedures and appropriate discipline.

## **Health Training Approved Trainers**

### **First Aid Trainers**

1. Authorized first aid trainer for an ODJFS approved health organization.
2. Licensed physician or registered nurse.
3. Emergency medical service instructor.

### **CPR Trainers**

1. Authorized CPR trainer for an ODJFS approved health organization.

### **Management of Communicable Disease Trainers**

1. Authorized communicable disease trainer for an ODJFS approved health organization.
2. Licensed physician or registered nurse.

### **Child Abuse Recognition and Prevention Trainers**

1. Authorized trainer for a public children services agency (PCSA).
2. Person with at least an associate's degree in social work, child development or related field from accredited college and two years of experience professionally assessing child abuse and neglect for a PCSA or an agency contracted by a PCSA or providing counseling to abused children or training others in child abuse prevention or the combination of experience and training.
3. Licensed physician or registered nurse with two years of experience professionally assessing child abuse and neglect or providing counseling to abused children or training others in child abuse prevention or the combination of experience and training.

## Appendix B to Rule 5101:2-13-10

**Professional Development Training Topics**Child Growth and Development

- Child nutrition.
- Children with special needs.
- National child care standards as published by the American academy of pediatrics and American public health association and state licensing requirements.
- Brain development.
- Benefits of outdoor play and gross motor activities.
- Social/emotional development.
- Challenging behaviors.
- Cognitive development.
- Health and wellness.

Family/Community Relations

- Working with parents and families.
- Community health, pediatrics or social services resources for children and families.
- Transitioning.
- Cultural diversity/awareness.
- Disaster planning and preparedness.
- Community needs assessment.

Daily Planning, Child Observation & Assessments

- Planning and administering child care, recreational or educational programs and activities for children birth to fourteen.
- Curriculum.
- Approaches to learning.
- Physical education.
- Language and literacy.
- After-school programming.
- Assessment, screening and referrals.

Career Development

- Ethics and professionalism in child care.
- Stress management.
- Assessment and observation of teachers.
- Using child care tools.
  - Ohio/SUTQ approved.
  - Systems training.
    - Provider portal/provider agreement/OCLQS/e-manuals/child care websites.
- Individualized education plan/individualized family service plan.

- Strategic leadership and planning.
- Financial planning.
- Marketing.
- Business practices.
- Publicly funded child care.
- Confidentiality/ Health insurance portability and accountability act.

#### Learning Environment and Experiences

- Developmentally appropriate equipment and classroom arrangement.
- Guiding children's behavior/ developmentally appropriate child guidance and classroom management.

#### Any "Ohio Approved" Training

### **Professional Development Approved Trainers**

#### Approved Professional Development Trainers

1. Has two years' experience in the specific subject matter and meets one of the following:
  - a. Completed ninety quarter credit hours or sixty semester credit hours from an accredited college, university, or technical college. The coursework shall include at least thirty-six quarter credit hours or twenty-four semester credit hours in courses in child development or courses related to the subject of the training.
  - b. Has a currently valid CDA.
  - c. Preprimary credential from the Association Montessori Internationale or the American Montessori Society.
  - d. Licensed physician or registered nurse.

## Appendix A to Rule 5101:2-13-13

**Schedule for Cleaning and Sanitizing Items**

To **clean**: Wash the surface or item with a detergent solution or other appropriate commercial product used for cleaning purposes. Questions about products must be directed to the manufacturer of the product. Follow the manufacturer's instructions exactly.

To **sanitize**: Family child care providers must use a commercial product registered by the United States Environmental Protection Agency (US EPA) as a sanitizer that has directions for use that are appropriate for the surface or item you are sanitizing. Questions regarding commercial products must be directed to the manufacturer of the product or the US EPA. Follow manufacturer's instruction exactly when using any product to sanitize.

**All bottles of cleaners and sanitizers must be labeled with the contents.**

Area/Object	Clean	Sanitize	Frequency Requirements
<b>Any item soiled with blood or bodily fluids</b>	<b>X</b>	<b>X</b>	Immediately
<b>Blankets/sheets for cots or cribs</b>	<b>X</b>		Weekly, when soiled and before another child uses.
<b>Bottles, bottle caps, nipples and other equipment used for bottle feeding</b>	<b>X</b>	<b>X</b>	Clean and sanitize by washing in a dishwasher or by washing, rinsing and boiling them for one minute, before it can be reused.
<b>Carpets</b>	<b>X</b>		Vacuum weekly or when soiled. Clean when soiled.
<b>Changing table</b>	<b>X</b>	<b>X</b>	Clean when visibly soiled and sanitize after each use.
<b>Cots/Pads/Mats</b>	<b>X</b>	<b>X</b>	Before assigning to a different child, when soiled, and at least every 3 months.
<b>Cribs</b>	<b>X</b>	<b>X</b>	Monthly, when soiled and before another child uses.
<b>Diaper receptacles</b>	<b>X</b>	<b>X</b>	Daily or more frequently as needed to eliminate odor.
<b>Dishes/Cups/Silverware/ Water Containers</b>	<b>X</b>	<b>X</b>	Clean after each use. Water containers that are labeled with the child's name can be used all day, but must be cleaned and sanitized before used again on another day.
<b>Dress up clothes and hats (Dramatic Play)</b>	<b>X</b>		Monthly and when soiled.
<b>Floors</b>	<b>X</b>		Weekly and when soiled.
<b>Food prep area, including sink</b>	<b>X</b>	<b>X</b>	Before and after preparing food (including bottle preparation) and between preparing raw

Area/Object	Clean	Sanitize	Frequency Requirements
			or cooked food.
<b>Potty chairs</b>	<b>X</b>	<b>X</b>	After each use, empty contents into toilet, rinse with water, clean and sanitize.
<b>Tables (food)/High chair trays</b>	<b>X</b>	<b>X</b>	Before and after each use.
<b>Tables (play)</b>	<b>X</b>	<b>X</b>	Clean when visibly soiled. Sanitize daily.
<b>Toilet bowls</b>	<b>X</b>	<b>X</b>	Clean when visibly soiled. Sanitize weekly.
<b>Toilet seats, handles and hand washing sinks</b>	<b>X</b>	<b>X</b>	Clean when visibly soiled. Sanitize daily.
<b>Toys that go into the mouth</b>	<b>X</b>	<b>X</b>	After each child's use.
<b>Toys – other than those going into mouth</b>	<b>X</b>		Monthly and when visibly soiled.
<b>Washable furniture (including fabrics on infant equipment)</b>	<b>X</b>		Weekly and when soiled: upholstered furniture must be steam cleaned when soiled, if not covered by a washable slipcover. Slipcovers must be washed at least every six months and when soiled.
<b>Wastebaskets, including lids</b>	<b>X</b>	<b>X</b>	Empty daily and more frequently as needed. Clean and sanitize when visibly soiled.

### **Handwashing**

Handwashing shall occur in a sink that is not used for meal preparation or clean-up and is away from the food serving area.

Licensed child care staff members and employees shall wash hands, defined as using soap and water or using hand sanitizer, at the following times:

- Upon arrival for the day, after breaks and upon returning from outside.
- After toileting or assisting a child with toileting.
- After each diaper change or pull-up change.
- After contact with bodily fluids or cleaning up spills or objects contaminated with bodily fluids.
- After cleaning or sanitizing or using any chemical products.
- After handling pets, pet cages or other pet objects that have come in contact with the pet.
- Before eating, serving or preparing food or bottles or feeding a child.
- Before and after completing a medical procedure or administering medication.
- When visibly soiled (must use soap and water).

Children shall wash hands, defined as using soap and water or using hand sanitizer (if 24 months or older), at the following times:

- Upon arrival for the day.
- After toileting/diaper change.
- After contact with bodily fluids.
- After returning inside after outdoor play.
- After handling pets, pet cages or other pet objects that have come in contact with the pet before moving on to another activity.
- Before eating or assisting with food preparation.
- After water activities.
- When visibly soiled (must use soap and water).

Children who are unable to stand by themselves may be given wet paper towels and soap to wash and rinse their hands.

## Appendix C to Rule 5101:2-13-13

**Smoke Free Environment**

- Smoking on the property during the hours that child care is being provided shall be permitted only if all of the following requirements are met:
  - Smoking shall not occur within the home or attached building and garage areas.
  - The area where smoking is occurring is so far removed from the children being cared for that the children cannot inhale any smoke.
  - Smoking cannot be seen by children, including any outside area.
- The provider shall not expose the children to cigarette, cigar or pipe butts or ashes.
- If smoking is permitted in the home or in vehicles used for transporting children during hours that the provider is not providing child care, the provider shall provide to the parent of each child enrolled a written notice that smoking occurs at the home or in the vehicle outside of operation hours.
- The provider shall not permit any person to smoke in a vehicle while it is occupied by children in the provider's care.
- The provider shall post in a noticeable place at the main entrance of the home, a notice stating that smoking is prohibited.

Note: The above requirements also include smokeless tobacco, electronic cigarettes, vaporizers, chewing tobacco and their byproducts.



## Appendix A to Rule 5101:2-13-14

**Written Permission When Children Are Transported****Routine Trips**

Written permission from the parent shall include:

- The child's name.
- The destination(s) of the trip.
- The signature of the parent.
- The date on which the permission was signed.
- A statement notifying parents how their child will be transported.

The written permission shall be valid for the routine trip for one year or until withdrawn by the parent.

**Field Trips**

Written permission from the parent shall include:

- The child's name.
- The date and destination of the trip.
- The departure and return time of the trip.
- The signature of the parent.
- The date on which the permission was signed.
- A statement notifying parents how their child will be transported.

The provider shall secure written permission for each field trip and shall inform the parent about each trip in advance.

## Appendix B to Rule 5101:2-13-14

**Type A Home Vehicle Requirements**

## 1. Effective until January 1, 2017:

- a. Type A Homes that are issued a provisional license after September 1, 2008 shall not be permitted to use converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers. This applies to all vehicles that are owned, leased or contracted.
- b. Type A Homes that replace or add a vehicle shall not be permitted to use converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers. This applies to all vehicles that are owned, leased or contracted.
- c. Vehicles used for transporting children which are purchased, leased or contracted after September 1, 2008 are required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, shall have factory installed passenger restraint anchorages and passenger restraints that are suitable for use in transporting children of any age. "Factory installed" means installed by the manufacturer or retrofitting that is accompanied by a certification document from the manufacturer. Add-on restraints such as infant carriers, car seats or booster seats are designed to be installed by the end user and are not subject to these requirements.

## 2. Effective January 1, 2017:

- a. Type A Homes may use any of the following vehicles to transport children:
  - i. School buses as defined in section 4511.01 ORC.
  - ii. Multi-function school-activity buses.
  - iii. Vehicles designed by the manufacturer to carry nine or fewer passengers.
- b. Type A Homes shall not transport children in converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers.
- c. Vehicles used for transporting children which are purchased, leased or contracted after September 1, 2008 are required by the United States department of transportation to be equipped with seat belts at the time of manufacturing or assembly, shall have factory installed passenger restraint anchorages and passenger restraints that are suitable for the use in transporting children of any age. "Factory installed" means installed by the manufacturer or retrofitting that is accompanied by a certification document from the manufacturer. Add-on restraints such as infant carriers, car seats or booster seats are designed to be installed by the end user and are not subject to these requirements.

## Appendix C to Rule 5101:2-13-14

**Type B Home Vehicle Requirements**

## 1. Effective until January 1, 2022:

- a. Type B Homes that are issued a provisional license after the effective date of this rule shall not be permitted to use converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers. This applies to all vehicles that are owned, leased or contracted.
- b. Type B Homes that replace or add a vehicle shall not be permitted to use converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers. This applies to all vehicles that are owned, leased or contracted.
- c. Vehicles used for transporting children which are purchased, leased or contracted after the effective date of this rule and which are required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, shall have factory installed passenger restraint anchorages and passenger restraints that are suitable for use in transporting children of any age. "Factory installed" means installed by the manufacturer or retrofitting that is accompanied by a certification document from the manufacturer. Add-on restraints such as infant carriers, car seats or booster seats are designed to be installed by the end user and are not subject to these requirements.

## 2. Effective January 1, 2022:

- a. Type B Homes may use any of the following vehicles to transport children:
  - i. School buses as defined in section 4511.01 ORC.
  - ii. Multi-function school-activity buses.
  - iii. Vehicles designed by the manufacturer to carry nine or fewer passengers.
- b. Type B Homes shall not transport children in converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers.
- c. Vehicles used for transporting children which are purchased, leased or contracted after the effective date of this rule and which are required by the United States department of transportation to be equipped with seat belts at the time of manufacturing or assembly, shall have factory installed passenger restraint anchorages and passenger restraints that are suitable for the use in transporting children of any age. "Factory installed" means installed by the manufacturer or retrofitting that is accompanied by a certification document from the manufacturer. Add-on restraints such as infant carriers, car seats or booster seats are designed to be installed by the end user and are not subject to these requirements.

**Diseases for Immunizations**

1. Chicken pox.
2. Diphtheria.
3. Haemophilus influenzae type b.
4. Hepatitis A.
5. Hepatitis B.
6. Influenza (if seasonal vaccine is available).
7. Measles.
8. Mumps.
9. Pertussis.
10. Pneumococcal disease.
11. Poliomyelitis.
12. Rotavirus.
13. Rubella.
14. Tetanus.

## Appendix A to Rule 5101:2-13-16

**First-Aid Kit Contents**

The first-aid kit shall contain at least all of the following:

- One roll of hypoallergenic first-aid tape.
- Individually wrapped sterile gauze squares in assorted sizes.
- Sterile adhesive bandages in assorted sizes.
- Tweezers.
- Gauze rolled bandage.
- Triangular bandage.
- Rounded end scissors.
- Tooth preservation system or fresh chilled liquid milk in which to transport a lost permanent tooth (for homes serving school age children only), including a written reference indicating location of the refrigerator/freezer where milk is stored if a tooth preservation system is not part of the first aid kit.
- A guide to emergency first aid.
- A working digital thermometer.
- Disposable non-latex gloves.
- A working flashlight.
- An instant cold pack that has not been activated or ice, including a written reference indicating location of the refrigerator/freezer where the ice is stored if an instant cold pack is not part of the first aid kit.
- Sealable leak-proof plastic bags in assorted sizes or double bagged plastic bags that can be securely tied for materials soiled with blood or bodily fluids.
- Pocket mask or face shield, appropriate for all ages of children in care at the home, for cardiopulmonary resuscitation (CPR) administration.

In addition to the above items, on field trips or when transporting away from the home, the following items are required:

- Soap or waterless sanitizer.
- Bottled water.

## Appendix B to Rule 5101:2-13-16

**Caring for Sick Children**

A child is considered to be sick when demonstrating any of the following symptoms:

- Temperature of at least one hundred and one degrees Fahrenheit (one hundred degrees Fahrenheit if taken axillary) when in combination with any other sign or symptom of illness.
- Diarrhea (three or more abnormally, unexpectedly or unexplained loose stools within a twenty-four hour period).
- Severe coughing, causing the child to become red or blue in the face or to make a whooping sound.
- Difficult or rapid breathing.
- Yellowish skin or eyes.
- Redness of the eye or eyelid, thick and purulent (pus) eye discharge, matted eye lashes, burning itching or eye pain.
- Untreated infected skin patches, unusual spots or rashes.
- Unusually dark urine and /or gray or white stool.
- Stiff neck with elevated temperature.
- Evidence of untreated lice, scabies or other parasitic infestations.
- Sore throat or difficulty in swallowing.
- Vomiting more than one time or when accompanied by any other sign or symptom of illness.

When caring for sick children, the provider shall:

- Isolate the sick child away from other children, but within sight or hearing at all times.
- Provide the sick child with a cot or bed or the sick infant with a crib, if necessary, and make comfortable.
- Notify the child's parents immediately if the child's condition worsens.
- Launder bedding and wash toys used by the sick child before use by another child pursuant to rule 5101:2-13-13 of the Administrative Code.
- Sanitize the thermometer after each use.

**Categories of Developmentally Appropriate Equipment and Materials.****Infant**

- Pretend or dramatic play materials.
- Manipulative materials and equipment.
- Large blocks.
- Language arts and auditory materials and equipment.
- Music equipment.
- Transportation materials and equipment.
- Gross motor activities, materials and equipment.
- Sensory perceptual motor materials.

**Toddler and Preschool**

- Art supplies.
- Manipulative materials and equipment.
- Blocks.
- Science-nature equipment.
- Language arts and auditory materials and equipment.
- Pretend or dramatic play materials.
- Music equipment.
- Transportation materials and equipment.
- Gross motor equipment.
- Sensory motor equipment.

**School-Age**

- Art supplies.
- Manipulative materials and equipment.
- Blocks.
- Science-nature materials.
- Language arts materials and equipment.
- Pretend or dramatic play materials.
- Music equipment.
- Transportation materials and equipment.
- Sports and gross motor equipment.

## Appendix A to Rule 5101:2-13-19

**Allowable Discipline Techniques**

The following techniques or practices may be used by all child care staff members and employees of a family child care provider as a means to guide or discipline children. Any technique or practice used shall be developmentally appropriate, consistent and shall occur at the time of the incident.

1. Setting clear limits.
2. Redirecting to an appropriate activity.
3. Showing positive alternatives.
4. Modeling the desired behavior.
5. Reinforcing appropriate behavior.
6. Encouraging children to control their own behavior, cooperate with others and solve problems by talking.
7. Separation from the situation, if used, shall last no more than one minute per each year of the child's age and shall not be used with infants. Upon the child's return to the activity, the provider shall review the reason for the separation and discuss the expected behavior with the child.
8. Holding a child for a short period of time, such as in a protective hug, so that the child may regain self-control.

**Prohibited Discipline Techniques**

The following techniques or practices shall not be used by any child care staff member or employee of a licensed child care center as a means to control or discipline children:

1. Abuse, endanger or neglect of children, including shaking a baby.
2. Utilize cruel, harsh, unusual, or extreme techniques.
3. Utilize any form of corporal punishment.
4. Delegate children to manage or discipline other children.
5. Use physical restraints on a child.
6. Restrain a child by any means other than holding children for a short period of time, such as in a protective hug, so that the children may regain control.
  - Prone restraint of a child is prohibited. Prone restraint is defined as all items or measures used to limit or control the movement or normal functioning of any portion, or all, of a child's body while the child is in a face-down position.
  - Prone restraint includes physical or mechanical restraint.
7. Place children in a locked room or confine children in any enclosed area.
8. Confine children to equipment such as cribs or high chairs.
9. Humiliate, threaten or frighten children.
10. Subject children to profane language or verbal abuse.
11. Make derogatory or sarcastic remarks about children or their families including but not limited to cultures, nationalities, race, religion, or beliefs.



12. Punish children for failure to eat or sleep or for toileting accidents.
13. Withhold any food (including snacks and treats), beverages or water, rest or toilet use.
14. Punish an entire group of children due to the unacceptable behavior of one or a few.
15. Isolate and restrict children from any or all activities for an extended period of time.

**Meal and Snack Requirements**

The number of meals, snacks and/or breakfast provided by a licensed child care center shall be available as follows:

Center Hours of Operation	Meals and Snacks Available
4 to 8 hours per day	One of the following: <ul style="list-style-type: none"> <li>• 1 meal and 1 snack</li> <li>• 1 meal and breakfast</li> </ul>
More than 8 hours and fewer than 14 hours per day	One of the following: <ul style="list-style-type: none"> <li>• 1 meal and 2 snacks</li> <li>• 1 meal and breakfast</li> <li>• 1 meal and 1 snack</li> <li>• 2 meals and 1 snack</li> </ul>
More than 14 hours or overnight	breakfast, 2 meals and 2 snacks
After school for school children	1 snack

Note: No child shall go longer than 4 hours without being served a snack or meal, except when sleeping.

The content of meals, snacks and breakfast shall be selected from the following four basic food groups:

1. Meat or meat alternative
2. Breads and grains
3. Fruits and vegetables (juices may be used if 100% and undiluted)
4. Milk (fluid cow's milk) and dairy
  - a) 100% whole homogenized vitamin D fortified for children 12 to 24 months
  - b) 1% or skim homogenized vitamin A and D fortified for children over 24 months

Meal, snack and breakfast food group requirements:

Type of Feeding	Food Group
Meal (must provide 1/3 of the recommended daily dietary allowances as specified by the United States Department of Agriculture USDA)	All of the following: <ul style="list-style-type: none"> <li>• 1 serving of fluid milk</li> <li>• 1 serving of meat or meat alternative</li> <li>• 2 servings of fruits and/or vegetables</li> <li>• 1 serving of bread and grains</li> </ul>
Breakfast	1 serving each from 3 of the 4 basic food groups
Snack	1 serving each from 2 of the 4 basic food groups

**Portion Sizes for Meals**

<b>Meal</b>	<b>Component</b>	<b>Minimum Serving</b>		
	<b>Age of Child</b>	<b>1 &amp; 2 years</b>	<b>3-5 years</b>	<b>6-12 years</b>
<b>Breakfast</b>	Fluid Milk	½ cup	¾ cup	1 cup
	Juice/Fruit or Vegetable	¼ cup	½ cup	½ cup
	Grains/Breads/Dry Cereal	½ slice ¼ cup or ⅓ oz.	½ slice ⅓ cup or ½ oz.	½ slice ¾ cup or 1 oz.
<b>Meal</b>	Meat or Meat Alternative	1 oz	1 ½ oz.	2 oz.
	Fruit Or Vegetable	¼ cup	½ cup	¾ cup
	Grains/Breads/Pasta/Noodles (cooked)	½ slice ¼ cup	½ slice ¼ cup	1 slice ½ cup
	Fluid Milk	½ cup	¾ cup	1 cup
<b>Snack</b>	Meat or Meat Alternative	½ oz.	½ oz.	1 oz.
	Fruit Or Vegetable	½ cup	½ cup	¾ cup
	Grains/Breads/Pasta/Noodles (cooked)	½ slice ¼ cup or ⅓ oz.	½ slice ¼ cup or ⅓ oz.	½ slice ¼ cup or ⅓ oz.
	Fluid Milk	½ cup	½ cup	1 cup

Additional information on meal preparation and nutrition may be found at:

[http://www.fns.usda.gov/cnd/care/ProgramBasics/Meals/Meal\\_Patterns.htm](http://www.fns.usda.gov/cnd/care/ProgramBasics/Meals/Meal_Patterns.htm)

## Appendix A to Rule 5101:2-13-23

**Breast Milk Storage**

<b>If the breast milk is stored:</b>	<b>Then keep it as long as:</b>
At room temperature (up to 78 degrees Fahrenheit)	6 to 8 hours
In the refrigerator (39 degrees Fahrenheit or lower)	Up to 5 days counted from the day the breast milk was pumped
In a freezer compartment inside a refrigerator (5 degrees Fahrenheit)	2 weeks
In a freezer compartment of a refrigerator with separate doors (0 degrees Fahrenheit)	3 to 6 months
Chest or upright deep freezer (-4 degrees Fahrenheit)	6 to 12 months